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# CITIZEN AND ADMINISTRATION

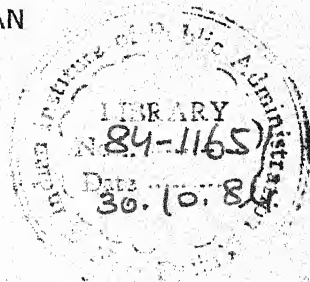
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## PREFACE

Although "the state and the individual" has a wider theoretical perspective, its operative dimension is almost similar to that of "citizen and administration". Modern state has the exacting task of readjusting its ideological frontiers to strengthen its claim to legitimacy and to create the circumstances necessary for obtaining the allegiance of its citizens. It is not a matter for semantic discussion. It has become a live and intricate issue in the present-day society. While scientific and technological revolution has certainly accelerated the pace of progress in many spheres, it has left to the administration the question of resolving the complexities it produces, social as well as technological. The points of contact between the citizen and the administration have been increasing, whether the role of the government be regulatory, developmental or promotional. Each situation has its own peculiar features, but the feeling commonly persists that the desired or desirable relationship is wanting.

(Administration comprises the organised activities of the state for orderly social development measured in terms of individual citizens. With its experience, expertise and exercise of authority, the administration converts the philosophical ends of the state into realisable social goals to the satisfaction of the citizen. Administration is the accomplishing side of the government. It weaves the fabric of relations between the citizen and groups and between them and the conceptual state to render collective significance to individual existence, needs and expectations. The multiplying social demands and needs as well as ideological predilections have ostensibly led to the rapid expansion of the administration. New areas of administration open up and even new services are set up to meet the emerging requirements. More services of the state invariably imply more regulation of the citizen and greater functional burden upon the administrator and the need for continuing attention to this vital aspect of administrative functioning.

In a country like ours, due to the hangover of distrust from an alien dispensation of the past, the problem of the mutuality of the perception of the place and role of administrator and of the citizen has assumed great significance. The growing organisational impersonality and the amorphous cover it provides for bureaucratic aberration, to a great extent, can be minimised by the citizen's involvement and participation in the administrative process. Involvement is a question of will and aptitude and participation, of ability and preparedness. Healthy

interaction between the citizen and administration will create an expanding area of understanding to bring about a balance between the legitimate expectations of the former and the capacity of the latter to fulfil them. Only ritualistic or mechanistic approach will hardly be of any lasting good.)

(In the vast canvas of inter-relations, the common meeting point between the citizen and the administration is indubitably justice which today has manifold ramifications. Where the citizen's concept of justice coincides with that of the administration, appropriate climate for progressive socio-economic changes is likely to be found. It is important that the administration is so geared up that it responds automatically and with a sense of fair play to the request of the citizen without any meddlesome interference by middlemen who may have their own ends to serve.)

There are many facets to the topic of "citizen and administration" and this volume consists of a collection of essays by experts which deal with important facets of citizen-administration interface, such as the machinery for redressing the citizen's grievances and the adequacy of the existing and desired institutional arrangements for ensuring probity in public services. While the best guarantee for the citizen to obtain prompt services from the administration and the most effective check against corruption are to be sought in the standards and norms of the social and political system, an enlightened public opinion, including the press, is no less significant in regulating the behaviour of the public services to the satisfaction of the citizen.

Human components of the administration are the contributions of society whose intellectual and moral levels are important determinants of administrative behaviour. Nonetheless, society has to be constantly kept informed of the working of the administration. A well evolved system of public relations, therefore, is *sine qua non* for any governmental organisation for establishing a proper rapport with the people, especially with its clientele. It is incumbent upon the administration to give to the citizen a clear idea of its policies and programmes, the quarters to which he should approach for obtaining services and the channels open for him to apprise and get redress to his grievances. Accessibility and responsiveness of administrative system go a long way in establishing a satisfying relationship between the citizen and the administration.)

✓ Free flow of information from authoritative sources on matters of fundamental importance to life of the citizen itself will go a long way to eliminate his doubts and apprehensions about them which are at the root of many complaints and grievances. Administration is concerned with men and matters and is not something esoteric in nature, especially in a democratic context. Mechanisms and institutions to deal with public

grievances or prevention of corruption will serve their purpose only if they operate in an ideal or favourable socio-political environment capable of generating public confidence. It is essential that the operational difficulties of citizen-administration syndrome be properly understood. The ceaseless or carping criticism of administration will not be of much use. Every effort will have to be made to see that the political environment acts as a facilitating factor and not as an inhibitory factor in bringing about proper citizen-administration understanding and relationship.

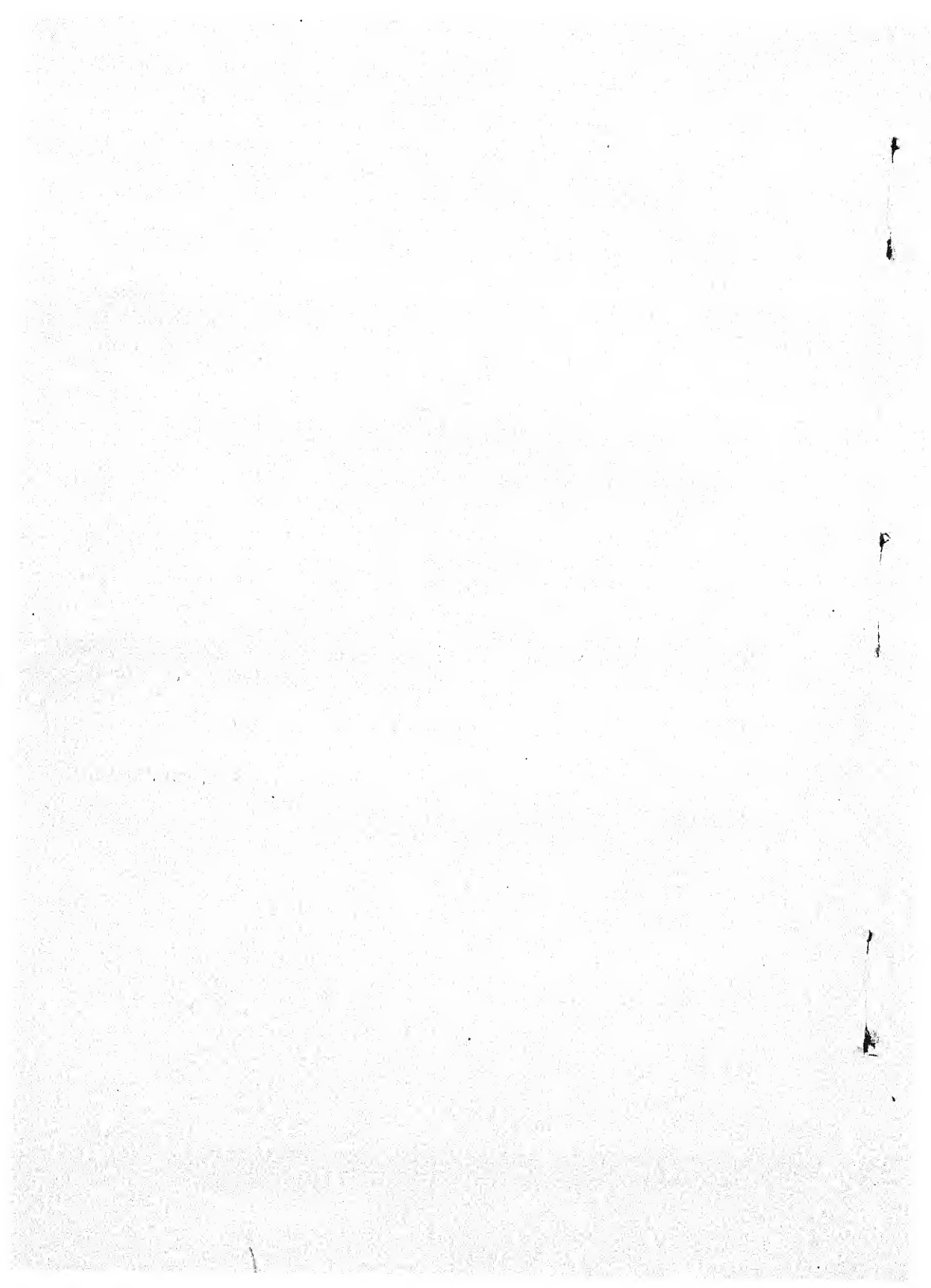
The authors of the essays comprising this volume form different approaches and express diverse views as they deal with the multiple bonds between the citizen and administration but they seem to be almost unanimous in regard to the responses of the administration to the call of the citizen. In substance, the essays expound a body of arguments for a flawless pattern of relations between the citizen and his government as it manifests itself through myriad forms of administration.

This volume is one of the series the IIPA is engaged in bringing out in commemoration of its Silver Jubilee. I express my thanks to Dr. S.N. Sadasivan, Professor of Public Administration of the Institute, who has undertaken the responsibility of selecting the articles and editing the volume. My thanks are also due to the authors of the articles which adumbrate their professional knowledge and experience in a sphere of administration where the citizen has unlimited interest.

It is my earnest hope that this book will be of use to the civic-minded reader as well as to the students of administrative sciences and the administrators in general.

NEW DELHI,  
OCTOBER, 1984

T.N. CHATURVEDI



## INTRODUCTION

The concepts of state and society and their inter-relations as they find expression in the occidental political culture, remained by and large obscure to India until it was attracted to the study of western political thought. The historic roots of the state could be identified in terms of some ideas or principles and more or less in accordance with them, the state conceived its pattern of society. With the evolution of political philosophies assuming another name ideologies under Marxian influence, the state has acquired a clear and definite doctrinal base.

An ideology consists of a critical examination of the existing socio-political set-up, a belief system promising a new state and society, a plan of action for their creation and a body of arguments offering justification for the plan and a philosophical ground-work which seeks to make the promised state and society viable and capable of achieving their defined goals. The active proponents of an ideology vigorously propagate it so that with the support of its adherents and sympathisers, they may capture political power to achieve the ends it envisages.

A change in the nature of the state and structure of its society can be effected only if those who embrace a different ideology are successful in securing political power and have the will to realise its goals.

Unlike collective ideologies aiming at the reorganisation of society on economic equality or Islamic fundamentalism insisting on 'social purification', democracy is a composite ideology, a perennial political philosophy that has the innate strength to imbibe fresh ideas for the promotion of human welfare without departing from its fundamentals such as truth, freedom, toleration and reason. In a state that adheres to absolutist or totalitarian ideology, dissent is eliminated, and coercion is invariably used for the organisation of its society, while in democracy diverse opinions are a part of its culture and the use of coercion by the state is reserved for specific purposes on which there is the maximum social agreement.

The ideological bias of the state is the most influencing factor in determining the association of the people with the activities of its government. The state is manifested in the operations of its government or in the whole process of its administration in which it should involve its people to the maximum possible extent for its own strength and legitimacy. However, a state tenaciously embracing a monistic creed, restricts the scope of participation in its affairs largely to the active proponents of its faith and inclines to keep other individuals

and groups in constant fear of persecution. On the other hand, with its doctrinal and social pluralism and its structural flexibility, democracy extends opportunity for participation to the largest number regardless of their ideological or theological differences.

(Dissent has a specific validity in democracy as a creative search for productive consensus and opposition which is an integral part of its system, has as much responsibility for the preservation of its values and institutional ethos as those who are entrusted with the management of government.) The existence and operation of the opposition as a constituent part of the system, is an obvious guarantee that the participative process conceived in democracy is comprehensive of all citizens and none will be excluded from it. Even so, elements opposed to the administrative process are bound to exist in a democratic order but their numerical strength will be much less than that of their counterparts in other forms of government.

The distinction of democracy is to be sought in its own attributes, its invitation to plurality of ideas, its competitive ability for sober self-assertion, its respect for established norms and values, its social rationality and above all its concern for truth and devotion to justice. It presupposes that each individual is capable of judging what is good for himself and of directly associating himself with the working of its government. The universal participation without insisting upon the proven individual competence, facilitated by democracy is adequately taken care of by the nature of responsibility involved and the method of enforcing it.

✓ No other system of government draws its citizens into its activities as does democracy. It constitutionalises the people as a whole as the ultimate sovereign and abides by their decision both in regard to the choice and rejection of government. Its competitive politics does not eliminate the recalcitrant or rebellious individuals and groups but persuades them to prove the social acceptability of their faith and validity of their claims by institutional means. If society in general has accepted democracy as a way of life, the circumstances that lead to the qualitative deflection in leadership and enfeeblement of representative institutions as observed in some developing countries, are unlikely to arise.

✓ The type of participation of the people in the administration is largely dependent upon the nature of political leadership and the character of men who compose it. Every state seeks to exact obedience to law to obtain legitimacy for its existence but the democratic state identifies itself with the rule of law for the extension of justice which is its prime objective.

Law and justice are interrelated but their meaning and objective should be conducive to social change necessary from time to time.

✓ Law is the bond between citizen and citizen, and the citizen and the



state for a secure life in society. Law in fact embodies the values and convictions which society cherishes. The law that is made with the maximum consent of the people, is entitled to obedience but the law that is arbitrarily imposed on them may provoke their resistance. The rule of law will, therefore, presuppose that every law passed by the state is with the maximum consultation and in harmony with the basic tenets of the total political system.

As the state is a legal order, its administration should ensure legal equality between the rulers and the ruled and between citizen and citizen. Submission to law on the part of the governors is a condition precedent for the obedience to law expected from the governed. Every citizen is entitled to the benefit of law and given the institutional means to avail it unobstructed. The very object of according supremacy to law is to rationalise the use of the power of the state and to prevent its personalisation by appropriate institutional arrangements.

Law guarantees to the citizen justice which in turn ensures order in society. But the ends of law cannot be achieved unless it is interpreted and applied by judges in whose erudition, eminence, training, competence, integrity, impartiality and independence, the people have implicit faith. In a community bereft of social rationality or which does not have moral courage to distinguish between right and wrong, the rule of law has only a conceptual scope, and reason has little chance to survive. It is the impartial and prompt application of law that forges the right relationship between the citizen and the government and generates the climate for obtaining his allegiance to the state.

The positive significance of the rule of law has its expression in the self-confidence of the citizen, his ability to use his liberties for the attainment of his best self and his concern for the welfare of his fellow citizens. The citizen's search for excellence, his disposition to recognise merit and his determination to discharge his moral obligation are directly ascribable to the absence of differing standards in the administration of law.

Legal equality, a safeguard against discrimination, enables the individual to develop his moral personality and maintain his social self-esteem. The state alone has the capacity to provide law for the purposes of forging and regularising the relations necessary in society. The supremacy, law has over individuals, groups, and institutions prevents the misuse and arbitrary use of power. Nevertheless, the ideal environment for the success of the rule of law could be found more in a homogeneous society which treasures human liberty and has a political leadership that stands for democracy. In a homogeneous society, free mobility brings about social accord between diverse political and social groups. However, the nature of law and submission to law both

by the rulers and the ruled are finally dependent upon society, its rationality and its culture especially the philosophy from which it draws inspiration for its cohesion and for determining the design of its government.

✓ Gradual erosion of the rule of law has been steadily widening the gulf between the citizen and the administration in developing countries. Democracy in several Afro-Asian countries has failed for their rulers miserably lacked the resolve to observe the discipline and auto-limitations essential for its successful functioning and resorted to easy despotic short-cuts to manage the government and control society. Consequently, distortion or infraction of the rule of law has come to be identified as a characteristic of political backwardness and underdevelopment.

(With its claim as the world's largest democracy and the apparent functioning of its formal democratic institutions, India has hardly put in adequate effort to adopt democracy as a way of life or to restructure its oligarchic, pyramidal social set-up into a modern democratic society consisting of self-reliant and self-confident individuals. No other social system in the world testifies to the immeasurably profound human ingenuity that has gone into its making as does Hindu society. It is a hierarchy capable of upward growth and sideward expansion and designed to serve simultaneously four broad objectives: social, political, economic and religious. It consists of an infinite variety of social groups, each a caste claiming for its members common consanguinity, biologically untenable and sociologically conceptual.

Caste is not merely a social institution as oversimplified by some of its students but in conformity with the hierarchy of which it is a unit, it is as much social as it is political, economic and religious. In its construction and preservation, the Hindu has lost his talents to possess an over-sensitive and over-reacting mind against any rational suggestion for its reorganisation on egalitarian principles.

The Hindu social hierarchy is designed and built as an all-inclusive and all-purpose bureaucracy determining immutably the social position, economic capacity, political entitlement, cultural share and religious worth of every individual solely, inescapably and exclusively on the basis of his birth. In the age of feudalism, social hierarchy existed in the west as a full-fledged socio-politico-economic institution with some degree of mobility but it did not seek to sustain any religious claim nor did it advance the spiritual cause to preserve itself. The total absence of mobility both vertical and horizontal is a distinct feature of the caste hierarchy. The comprehensive, intricate and elusive nature of caste predicates that economic changes alone will hardly be adequate to make social transformation in India unless appropriate modifications to the structure of society and psyche of caste are carried out.



An understanding of Indian society not in terms of Marxian class analysis but of the nature and behaviour of caste is indispensable for an understanding of the relation between the citizen and his administration. During the British rule extended over 150 years, society in India has undergone some changes which now appear to be superficial under the new influence of caste.

A significant contribution which the British have made for this country, is the institution of the rule of law which had radically altered the pattern of relations prevailed in the caste society. Unless law has unquestioned supremacy over individuals and institutions, and the political leaders in authority have the inexorable resolve to detach themselves from loyalties and interests to uphold the rule of law, the relation between the citizen and the administration can hardly be meaningful.

While democracy may concede a limited role for expediency at crucial moments for the realisation of its social ends, it invariably insists upon high politics, a politics in consonance with lofty moral standards, intellectual values, mutual respect and individual virtues. The contradiction between Indian society and democracy is obvious and unless it is resolved by conscious and determined efforts, the environment essential for high politics can hardly be found in this country.

In the pre-independence days Indian political leaders, by and large, were men of eminence and erudition, primarily because only such men could seek to establish an equation with the British rulers of the country who were mostly the products of the well-known seats of knowledge in the west and trained in the haloed traditions of liberal democracy to maintain personal integrity, respect for law and institutional sanctity. However, the mass politics and populism started from the sixties completely dispensed with the liberal values so essential to the fine art of managing the highly sophisticated, fragile but productive democratic system, to ensure the ascendancy of a new breed of politicians whose only self-abnegation is learning and who take pride in their whims, fancies and caprices as omniscience to overwhelm any possible effort aimed at political intellectualisation.

They "come down to the masses", not to educate them in the working of self-government but to feed their local prejudices and passions for political dissipation. And in the absence of distinguished men in authority to pose a challenge as in the days of the British, the new breed could afford to return to the old ways of caste and be on their own.

Efforts at personalisation of power from the panchayat level disregarding the role of institutions and the auto-limitations necessarily to be practised in a representative system, have seriously affected the legal fabric of the country, and the close nexus that has been established between the politician in authority and the lower rungs of the

departmental ladder especially of the police by subtle crossover, seems to impede the impartial implementation of law.

✓ From the time of the Mughals, the people in this country have not too high opinion of the police. Violation of law by its guardians in terms of commission of heinous crimes as to shock the social conscience, and the impunity they manage for themselves, have adversely affected the relationship between the citizen and the administration.

✓ The cumulative effect of the differing applications of law and the recurring inaction against the influential criminals raises serious doubts in the mind of the common man as to the basic purpose of law and leads to his alienation from the administration. ✓ Law will be damned to be an instrument of oppression wielded by the vested interests, and the cause of justice seriously damaged if petty offenders lacking in patronage are promptly brought to book and grave crimes remain undetected.

✓ There seems to be a widespread tendency not to disown but to adore a person who can manage to set at naught the process of law to save his henchmen and hatchetmen from the consequence of their wrongful deeds. As a result, what has become awesome to the masses is neither law nor its institutions but the private centres of power which have the capacity to defeat law. Similarly, in this country ignoring the role and purpose of the judiciary, the police have time and again inflicted cruelties of barbarous dimensions upon suspects and undertrials held in their custody. While misguided militancy and chaotic populism have depleted the intellectual content of Indian democracy, the popular reactions against sadistic highhandedness of the administration remain by and large localised to be easily suppressed. It appears that the bureaucracy has successfully sought political support to the dangerous view that if the guilty officials are promptly proceeded against the morale and efficiency of the services would adversely be affected.

✓ The foremost duty of the political leadership in a democracy is to keep the bureaucracy and the instruments of the state power within the bounds of law and subject them to its due process for any malafide breach of law on their part. The courage and competence of the political leadership for this purpose, are a gift of the social power which it has steadily and strenuously built up by rendering services to the people, as a means to acquire political power. However, the penchant to use the official machinery to build up social power is one of the main inducements to politicians to ignore the supremacy of law and conceal the offences of the cleverer elements in bureaucracy.

Voluntary obedience to law can be obtained only when society has the ability to take a dispassionate, rational and objective view of the issues arising within itself. An impediment to the rule of law seems to be the proliferation of legislation which bewilders the citizen, confuses the law enforcing agencies and outwits the judiciary.

The augmentation of legislation is partly attributable to the new responsibilities the state has undertaken in terms of social justice and partly to the political exuberance to regulate matters which should legitimately be within the sphere of society.

The propensity for legal luxuriance diminishes the social significance of law and the courts may not find it difficult to overcome the moral compunction to reject the maxim "ignorance of law is no defence". Some of the violations of law are caused by the resentment of the citizen against the official manoeuvres to exercise control over him where he aspires to be free.

The first purpose of law should be to provide a proper environment to the citizen for the secure enjoyment of his rights so that his development should necessarily lead to the development of his fellow citizens. Human personality has its fullest expression only in a society which is receptive of the idea of equality and determined to resist injustice.

If equal obedience to law from the governors and the governed is indispensable to the maintenance of the sanctity of human life in a democracy, the quality of human life will be determined by the concern of the state for public instruction, public health and public hygiene which are three basic elements of the social aesthetics of democracy. The absence of mass literacy and universal education stagnate the mental, moral and intellectual development of a nation and eliminates the environment essential for freedom, equality and participation of the citizen in the affairs of the state.

The social ethics as evolved by the caste system denied education for ages to the masses, and the successive foreign regimes established in this soil thrived on their ignorance, as a closed preserve of the conquerors and the indigenous aristocracy divorced from the reality around. The Mohammedan rulers of the country, who were the alter-ego of a slave-owning civilisation, could not comprehend the value of education both institutional and informal, and they progressively sought to concur with the traditionalists of this land that ignorance of the masses was one of the most effective mechanisms of social control indispensable for political tranquillity. The secular and liberal education is a gift of the British rulers of this country.

Universal education, public health and public hygiene are an integral part of Rousseau's General Will and compulsion or coercion on the part of the state to achieve them is necessarily a step towards expansion of freedom. However, in spite of the institution of democracy four decades ago, primary compulsory education, has made little progress in this country and the quality of higher education has increasingly deteriorated eclipsing scholarship and erudition, the greatness of any nation.

✓ Contrary to the cherished belief, universal adult suffrage has elevated feudal empiricists to the controlling positions of administration. They seek to mould a political culture alien to the values and refinements of democracy resulting in institutional enfeeblement and the retreat of the talented from politics. Universal liberal education and the environment necessary for its success are preconditions to be fulfilled for bringing the citizen closer to the administration. ✓

The problem of public health and public hygiene has neither been given the importance nor the attention it deserves. In a country where society inhibits and religion resents the retrieval of the masses from filth and foulness, the administration should incessantly endeavour to educate the citizen in the essentials of health, hygiene and sanitation if necessary by the use of appropriate visual aids.

The conditions in the public hospitals in the country continue to be inhuman and neither the inducting of more specialisation nor the installation of sophisticated equipments in them has enhanced the level of humanism and spirit of service to render relief to the approaching sick who mostly are from the lower, middle and poor sections of society. [If the common man complains that the police is brazen and brutal, he is convinced that the medical profession is callous and selfish.] A radical and thorough reorganisation of the country's hospital administration is a basic requirement for the citizen to perceive the democratic objectives of the state and invest an amount of faith in the possibility of establishing an equal society promised time and again. In most developing countries, public health is constantly invaded by staggering squalour and chronic poverty which together with widespread illiteracy enhance the apathy of a sizable section of the people towards their government.

The allegiance the citizen owes to the state is derived from the sincerity of its administration in improving the quality of his life. The caste system which has cruelly and deliberately forced the multitude to remain in fetidness and squalour, is still a major barrier to a habitually clean society. While the vast masses live in a surging sea of infection, the majority of the elite themselves have little insistence upon the observance of hygienic rules despite their strong preference for fashionable apparels and costly cosmetics. The contradiction between personal hygiene, and social hygiene is too glaring in India.

The greatest hazard posed to public health, more to human life is the adulteration of food which is practised on a vast scale in this country. Adulteration of food is nothing short of a deliberate attempt to distribute death for fiendish and perfidious profiteering. Perhaps, in no other civilised country, law is so reticent and the guardians of law are so indulgent to and inactive against the food adulterators as in India. A crime of enormous magnitude, food adulteration is a monumental example of the



much boasted toleration of Hindu society, as the increasing oppression of the untouchables.

The sale of exposed and stale food should be as serious an offence as the adulteration of food. All over the country, on an average, no less than a million ton of cooked or prepared eatables are vended, the major part of which is infected and unfit for human consumption. In large cities alone according to a rough estimate, over 5,000 tons of food stuffs for ready consumption, is brought to the market every day without being inspected by the metropolitan health authorities. It is abominable to see that the white collar workers and members of the educated class buy with customary familiarity and munch delightfully the eatables covered with flies, fleas and dust from the way side hawker who by any standard is a trader in diseases shielded by the indolence and indifference of the official machinery.

The administration in this country does not favourably view the citizen taking up his grievances with the courts for redress. A democratic government should not expect that the people must submissively accept arbitrary or unsatisfactory decisions of its functionaries and desist from seeking remedies from judicial avenues. The cultural stock of a nation is by and large the contributions of its sense of justice and the means it has made available to ensure justice to every aggrieved citizen. Indubitably, the courts by their very constitution are free institutions presided over by specially qualified persons inspiring public confidence in the dispensation of justice, and if a citizen honestly believes that his grievances would get adequate redress from them, the administration should not take a recalcitrant stance against him but should persuade itself that he has adopted only a legitimate step as provided to him by the constitutional system of the country. In fact, the citizen in approaching the judiciary endeavours only to uphold the supremacy of law and contribute to the strength and majesty of the institution which has the authority to interpret and apply law objectively. Nevertheless, the obtaining of justice from the courts is time-consuming and expensive and unless procedural simplification is brought about, proceedings in them are bound to drag on.

The citizen's taking recourse to the courts can be minimised, if the executive agencies overcome their conceit and self-righteousness and take public welfare into account to distinguish between just and unjust. Had the judicial pronouncement in one case been any guide in other similar cases for the executive authorities, the volume of litigation in this country would have been considerably reduced to enhance the efficiency of the judiciary to cope with the rapid proliferation of legislation and the citizen, relieved of the misery of passing through a time-consuming and too costly search for justice. The multiplication of law has reached a stage of 'legislative explosion' as to demand a thorough review to

identify the essential, to eliminate the inessential and to bring into prominence the obscure and the dispersed. The respect for law is spontaneous when its enforcement is prompt, equal and above pressures and influences.

Has the citizen any other means of finding redress to his grievances? S.N. Chaturvedi makes an investigation into the institution of Ombudsman as a model for extending justice to the needy citizen in view of the enormous expansion of the public services and the problem of exercising control over the administrative agencies. The public functionary has to exercise the wide powers which he has come to possess, in conformity with the fundamental rights of the citizen which however is not an easy task. The vast discretionary powers at the disposal of the bureaucrat may be converted into an instrument of harassment and oppression of the citizen.

While Chaturvedi favours the development of a system of control, he does not consider the administrative tribunals can take its place as he is apprehensive of certain type of dangers that might be arising out of their working although they are not bound by elaborate rules. He does not have faith in the efficacy of the issue of commissions because their procedure is cumbersome, expensive and inadequate to inhibit the bureaucracy from acting in excess of their authority and render the needed relief to the affected citizen. He examines also the office of the procurator in the USSR and East European countries and the institution of *Conseil d'Etat* in France, and finally favours the Ombudsman for India as the right form of check against the misuse of authority by the administrative clan. Nevertheless, the success of the functioning of the Ombudsman will be largely dependent upon the quality of politics, the character of politicians, the vigilance of society and the ethos of the bureaucracy. In a society dominated by a corrupt oligarchy, the Ombudsman will prove to be no more than a weakling vindicating the vicious.

The approach of Samuel Eldersveld to "Bureaucratic Contact with Public" is partly data-based and partly speculative and is aimed at exploring some theoretical questions with empirical evidence. One of the objects of the Indian elite in contacting or interacting with the masses is admittedly national integration. Involvement of the people is necessary for the development of more modern social and political institutions and the second or intermediary associations in society. Equally important is the participation of the citizen in the socio-economic development programmes. The average villager in the Delhi State (now the Union Territory of Delhi) has only too infrequent contact with the administration. In fact, less than ten per cent of the rural population and about 12 per cent of urban residents are more or less isolated from any meaningful connection with the Delhi administration. From the

socially handicapped groups such as the low castes, the illiterates and the economically poor section, only 10 to 15 per cent come in active contact with the administration. However, the method of determining the relationship between the citizen and the administration, whether it be by high or low frequency contact in a developing society as India, has its own drawback.

The implementation of economic programmes aimed at general welfare may hardly generate a favourable environment for forging healthy relations between the people and the administration and even when, it is intended exclusively for the deprived groups, their traditional passivity may tend to inhibit the establishment of the expected relations although some of their more fortunate members may be in a position to derive some benefits out of it.

In India, the very social structure prevents social mobility and social equation necessary to bring the administration close to the people and the bureaucrats as a class believe in the technique of aloofness to preserve their authority, privileges, superiority and shortcomings. The social distance practised in society between the high and the low, is justifiably brought in administration, and the average man is not emboldened to approach the bureaucrat even when he has a genuine complaint unless supported by organised forces. Influenced by the feudal social psyche, the bureaucrat tries to expand his power and whether he requires or not, he would like to possess 'police power' to treat the approaching citizen.

The masses in India have neither the strength nor knowledge to answer the questions of research investigators on administrative problems and their responses are often regulated by their age-old fear and made out of their guesses prompted by their ignorance. The conclusions of Eldersveld that many citizens are as yet completely isolated and many citizens in contact with Indian officials, have deep suspicions, basic dissatisfactions and uncooperative attitudes, are common place and can be arrived at also by observations.

The concept of citizen as sovereign is 'hollow' for V. Jagannadham who points out in his essay 'Administration and Citizen' that love for liberty has yielded to material comforts and the focus of relationship between the state and society is shifted from political liberty to economic prosperity and social justice.

However, the aspiration for self-rule and love for liberty are different, perhaps widely and hardly a country which secured political independence from the British, could make provisions for human freedom except India. And the countries of the west with long traditions of sacrifice for human liberty, have been losing their resolve to maintain it in the material prosperity and the luxuries of living they have achieved. It is widely acknowledged that democracy and its values

including the basic human rights can be preserved only by sturdy men—resigned to moderation, frugality and equality and acquired attributes like honesty, probity, toleration, rectitude, self-discipline and self-control. Accumulation of power without responsibility, indulgence to easy pleasures, and greed for wealth are the vices that account for intellectual incompetence, political ineptitude and social disownment of the ruling elite. As degeneration threatens, the ruling elite turn more aggressive and suspicious by nature that they refuse participation to the people in the affairs of the state. The decline of the ruling elite is the inevitable consequence of their cumulative moral defilement.

As Jagannadham points out, counter-violence by the government has considerably eroded the concept of popular sovereignty and exceeded the limits of tolerance of the citizen. The infinite power of 'ssma extermination at the disposal of modern state, has made the citizen impotent before it and his right to resist the misuse of its authority, absolutely infructuous. Nevertheless, in a democracy controlled by a ruling elite maintaining at least the minimum moral standards, the people's participation is encouraged as a source of administrative legitimacy and means of social control.

Jagannadham holds the view that just as consumer satisfaction governs production and distribution in the field of economics, so the citizen's satisfaction should determine the legitimacy of administration. It is time to review the traditional techniques of participation including the constitution of advisory committees where the people's representatives agreeably and indulgently sit through as a matter of ritual unless they are of an exceptional calibre. Normally the administration out of considerations of its own nominates to the advisory committees persons who are short of time or too obliging with the result that their meeting have become perfunctory and their objectives indistinguishable from bureaucratic wishes. Participation is too loudly desired, rhetorically demanded but too little realised. The citizen's participation in the process of administration is the harmonious meeting point of the social will with the political will and therefore, it cannot be successful unless the people are educated to be inspired by the ideals of democracy and vigilant enough to set the limits of the political power, and the political executive is prepared to confine its ambitions to the scope of the system of administration.

An important requirement of effective participation is the flow of information correct and reliable, from the administration. A well-informed people are well instructed and have the capacity to distinguish between truth and untruth and further the cause of truth. Paradoxically in India when at times items of information which should be classified, are out, matters of little consequence are held away from



public knowledge. Thus, in a public office, as the question of promotion of an individual employee or the fixation of his pay or the missing contribution of his provident fund is kept as a tight secret to his vexation and chagrin, significant facts of public policies are allowed to slip out to become grains of speculations or subjects of rumours in the press and political forums. The art of secrecy lies in reducing the volume of information to be kept concealed to the essential minimum and promptly releasing to the public that measure of information which they require for educating themselves in the activities of their government.

The administration should overcome its resistance and open its portals to students of research so that the development of knowledge brought about by their objective contributions may create for it a new social perspective in favour of change, and society, a better understanding of the administrative process. Objectivity in communication provides an honest interpretation to the official intentions. The stricter the secrets are, the cheaper the gossips in the street on their content.

While Jagannadham casts doubt on the effectiveness of the grievance machinery, the directorate of public grievances, Kailash Prakash is categorical that the organisations like the Central Bureau of Investigation (CBI) and Central Vigilance Commission (CVC) have failed in the objective of extending protection to the innocent officer. His apprehension that if the CBI were given a free hand in the investigation of corruption cases, more honest public servants would have suffered, seems to be not altogether unfounded. Quick and impartial investigation into the alleged misdemeanour of a government functionary not only furthers the interest of justice but strengthens public confidence in the functioning of the government.

Experience adequately informs that investigation into a charge is invariably slow and time consuming because of the procedural tangles and pressures, and the angularities, attitudes and excuses of the inquiring agency. The observation of Kailash Prakash that the CVC is ineffective in preventing corruption in view of its inability to eliminate the causes of delay, may not be without its merit but what is more obvious is that the CVC itself has no inherent powers to investigate a case on its own motion. If a time schedule for investigation is stipulated for every case, as has been suggested by Kailash Prakash, the likelihood of the cleverer and more influential among the indicted taking advantage of it cannot be denied. Nevertheless, it would be very essential to define precisely the respective jurisdictions of the CVC and CBI as otherwise, undesirable institutional rivalry between them may make justice a broken product.

As P.B. Mukharji concedes that the CBI is inadequate to root out administrative corruption, he obviously fears that the institution of

Ombudsman in a country like India where the rule of law is supreme, may prove to be the road to dictatorship. The administration has become so vast and impersonal and its procedures so circuitous, elaborate and formal, that it has little concern for the grievances of the common people who by and large are illiterate, uninformed, poor and apathetic to the government. The Ombudsman which Mukharji identifies as an "accusatorial and inquisitorial institution" or its 'flamboyant' Indian counterparts the Lok Pal and the Lok Ayukta will only demoralise the whole administration and leave the state into anarchy and chaos.

If the Indian versions of the Ombudsman are unlikely to serve their objectives, Mukharji does not suggest any concrete and workable alternative to give redress to the people from an unresponsive and insensitive administration and take appropriate action against the unscrupulous and corrupt officials indulging in abuse of power. As he apprehends, there can however be no infraction of the rule of law in case the Ombudsman functions within the confines of the Constitution and takes cognisance in accordance with the law. The problem actually is, how a person of eminence befitting to such an institutional agency as the Ombudsman should be found and how free and independent it should be, in a politics divorced from its principles and in an administrative situation corruptingly oligarchic.

It is only in a society which has reason, freedom, tolerance and scientific spirit to make the gentle search for truth, the ideal climate for the functioning of institutions like the Ombudsman could be found. To the ruling elite in developing countries the rule of law has been a major irritant being a check on their arbitrary ways and they have been looking for its substitution by devices or agencies more easily manageable.

"Planning is a specialised and intricate process" observes V. Subramanian in his essay "The Citizen and Planning", but the citizen's involvement in the plans has neither been full nor even appreciable. When people's participation even in local democracy is faced with tough obstacles, their involvement in a complex affair as planning can hardly be expected. (Social equality, intellectual competence, mental efficiency, moral strength and the availability of spare time are the five important preconditions that should be fulfilled for effective participation in any business of the administration. As an infinitely graduated structure of inequality, society in India works against the participation of the under-privileged over the administrative arrangements made for it and those who make public intercession in favour of it, privately deny its feasibility.)

The ignorant and illiterate voters of a constituency will choose a

representative who is capable of feeding and arousing their primary social passions rather than one who has the necessary qualities to promote democratic interaction between them and the administration. Participation of the people in India through their representatives will serve the purpose only if the electorate are enlightened and resolute to hold fast democracy as a way of life. Mainly due to the strange preferences of the electorate, intellectuals and moralists have been alienated from politics which in this country has, therefore, become permissive and in some states criminalised.

Participation in planning by the people directly or through their representatives still remains a subject of academic interest and its merit debatable. The introduction of jargon and technical terminology into the area of participation may be useful to project a pedantic profile of people's involvement to serve the cause of propaganda but not its actual dimension as required for a factual evaluation.

In his "Behavioural Implications of Citizen-Administration Relationship", Mohit Bhattacharya seeks to examine the relation between the citizen and urban local government using the analytical tools forged in the west. Max Weber and other western scholars have studied the character of bureaucracy from the background of their societies and in the light of their political realities and human nature being the same everywhere, some of their major observations may be true partly or fully in relation to the administrations of developing countries. But their analytical model appears to be hardly relevant to the local administration of a society of vast diversities like India.

The behaviour of the employees of a municipality towards their clientele is likely to be more or less the same as that of their counterparts in a taluk office. However, due to proximity and familiarity, some of the employees may at times be a little more cordial and courteous to a section of the clientele or perhaps just the opposite, if they are given to local passions and prejudices. In a country of India's size and divergence, the municipal bureaucratic behavioural pattern obtainable from a locality can hardly have the merit to serve as a common model and the models obtainable from the west can at best be useful for drawing remote comparisons which are of little significance for serious research.

Personnel behaviour in a municipality will be influenced by local customs, social habits, beliefs, norms and cultural values and therefore between two units of municipal administration of one region a student may highlight the variations in their behaviours more than the similarities. The western theoretical contributions which Bhattacharya earnestly drafted remain isolated or independent as he seeks to explore the pattern of actual behaviour of the municipal bureaucracy and its local clientele in this country.

A sphere of public administration which has gained an enormous emphasis and where a huge mass of literature has grown in recent years is of decision-making. R.N. Haldipur in his paper "The Citizen, Society and Decision Making" describes it as a complex and all-pervasive process, or the art of the possible. Is Herbert Simon's definition that decision is a conscious choice from the several available alternatives is universally and invariably correct? A rational decision making looking into the pros and cons of an issue, and by raising a range of alternatives after determining their comparative merits and demerits, is impossible even in the normal circumstances, and its practicability in a crisis, critical juncture or a crucial moment is not beyond doubt.

An administrator's casual 'yes' or 'no' to a question and the subsequent circumstances that coincidentally arise to prove its correctness, may be enough to concede for him the undiluted wisdom of decision making. The files that pile up in the out-tray of a civil servant, do not necessarily testify to his capacity to choose from the alternatives at his disposal but on the other hand, may be expressive of his fear of the consequences arising from an oversize accumulation of official papers for an indefinite period. The so-called much vaunted, oft-spoken stock of alternatives is in the normal course nothing more than a series of notings by the subordinates displaying more [their tendentious approach, narrow vision, lack of perspective and limited understanding of rules and regulations and above all, the much despised clerical mentality. The decision-making in most cases is, the 'push out' of what is 'pushed in'. It is more a fabric woven of whims, caprices, angularities, jealousies, prejudices and pre-conceptions than a genuine product of sustained planning, careful sifting of information, critical examination of facts and objective comprehension. Many decisions unless deterred by the fear of risk, are spurs of the moment.

An administrator may rightly claim expertise for decision-making provided his 'yes' is hailed by chance and 'no' is justified by subsequent developments. Some of the major decisions in the battle-field which have created history, are either instantaneous inspirations or momentary reactions. On the whole, in a large number of cases decision-making is the proverbial blind man's buff. However, there are occasions when administrative decisions are taken after intensive study of the relevant facts and data but even such decisions are not entirely independent of the personal bias of their makers.

Sophistry in the metaphorical style is scarcely useful to sophisticate the simple art of decision-making nor a verbose rigmarole has the magic to associate the people with its process. If the bureaucrat has democratic sensitivity, it may be possible for him to take decisions broadly in line with public opinion but the much hesitantly envisaged role of the

people in the drama of decision making is a tantalising illusion. It is by hallowing decision-making as an epic saga that bureaucracy in mass democracies salvaged itself from the mire of mediocrity to project the image of a highly professionalised agency possessing specialised knowledge and special skill to establish its indispensability.

The CVC the object of which is prevention of corruption and maintenance of the integrity of the service personnel, in the constitutional and legal sense is an advisory body. Although in the opinion of L.M. Bhatia it is a creature of the government, its working procedure is flexible and to a certain extent informal. No institution or agency however armed with power, can be successful in eradicating corruption unless some basic social conditions are fulfilled and a favourable environment for it is built up. Society must have the sense to distinguish between right and wrong as also between good and bad and should courageously stand for what is right and what is good.

It should be inclined to identify the morally viable as intellectually virtuous and materially valuable. In India, political promiscuity and consequently, administrative corruption are largely attributable to the pressures of big and small business prawling for profiteering. Its economic concentrations, the citadels of vested interests, have invaded the freedom of the common man, tempted politicians of every ideological hue, coaxed bureaucracy pliant and indulgent and thwarted social change. Unless the pyramids of wealth are levelled to eliminate exploitation and usher in economic equality, corruption may remain a normal feature of society and perhaps even assume an institutional form. The success of an agency like the CVC is to be sought in the preparedness of society to disown its corrupt elements and adhere to the ways that ensure a clean and wholesome life.

One of the impediments to the understanding between the citizen and the administration is the absence of the atmosphere necessary for fostering good public relations. Public confidence in the administration which is indispensable for its legitimacy, should be built up by explaining to the people, its policies and involving them in their implementation. The question of associating the people with the processing of policies would be relatively simple, if policies are public needs conceived in their actual dimensions to be properly provided for. Healthy relations between the administration and the people can be established only if there is free and forthright supply of information on the working of the government. The public media must be facilitated to give out full facts and figures on every issue so that the nation would have full knowledge of it. A government which feeds its people with false and incorrect information will ultimately force them to mortgage their own liberties.

The personnel of the administration, the clientele of each depart-



ment, pressure or interest groups and voluntary social organisations should harmoniously interact to generate a climate of lasting and meaningful public relations. Concealment or suppression of material facts by the administration leads to public suspicion in its bonafides. The average citizen has the common sense to judge for himself the merit of every issue and his imagination is adequate to portray for him the consequences of a particular line of administrative action. The veil of secrecy around matters which should be open to public knowledge or denial of information on them will give rise to wild speculations which in turn create a sea of rumours to submerge the credibility of the administration and besmirch its reputation.

The administration should organise public relations programme for the benefits of its employees, and for enlightening the active agents of society so that democratic control over its functioning could be made more real. In its day to day dealing with the people, the administration must be honest, open, fair and impartial and guided by their interests. The more understanding the people have of their administration, the greater will be their support to its commitments. The difference between publicity and propaganda is almost the same as between education and indoctrination. An objective publicity is necessary for every administration because it forms the authentic and reliable base of the citizen's education.

Each department should have arrangements to make available periodically to the citizen reports on its functioning and should have a reception desk to inform and guide him courteously and intelligently. Lack of good manners and politeness is increasingly becoming the rule in many public offices not excluding the organisations meant exclusively for promoting public education. In communication the traditional idioms and hackneyed clichés of bureaucracy have to be renounced in favour of words and phrases less equivocal and more intelligible to the citizen. The satisfaction of the public with the working of the administration makes its employees significant to society, and contributes in no small measure to their self-actualisation. The better the public relations a department has, the higher the morale of its staff.

The citizen's attitude towards the administration in any country to a large extent will be shaped by its spirit of service and sense of justice. The temper of administration as also its behavioural pattern is mostly the outcome of the ethos of society, and where society has imbibed the humanistic values and treasures the spiritual heritage of man, the administration will be awakened to the needs of the citizen, and egalitarian in its conviction and outlook.

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# Machinery for Redress of Citizen's Grievances\*

S.N. Chaturvedi

THE ADMINISTRATIVE malpractices are probably as old as the inception of government. But the problem of controlling them was never so serious as today. The enormous expansion of public services, both in size and range, affecting the citizen's every day life has brought the problem of controlling government administration to the forefront. The *New Despotism* against which Lord Hewart once warned us, seems to be on the increase and the problem is to evolve methods to check such excesses in modern administration.

The acceptance of 'Socialist Pattern of Society', 'Planning', and 'Development' as the goal has automatically resulted in the extension of bureaucracy, a natural concomitant of increasing governmental functions. The national budgets in almost all the countries have thus grown larger and larger and the number of government employees more and more.

India has also followed this universal trend!<sup>1</sup> The number of persons who were serving the central government increased from 14,45,050 on April 1, 1948 to 17,73,570 in 1957<sup>2</sup> showing a rise of 23 per cent over 9 years, i.e., an average annual increase of 2.5 per cent. The annual cost of the central government staff alone was estimated to be Rs. 303.86 crores.<sup>3</sup> Similar increase has taken place in the number of state government employees also. Besides, there are many autonomous bodies and public enterprises functioning. The figures are indicative of expansion of our bureaucracy.

The expansion of bureaucracy results in the multiplication of the administrative processes whereby administrative power and discretion are vested at different levels of the executive. And where there is power

\*From *Indian Journal of Public Administration*, Vol. XII, No. 3, 1966, pp. 636-55.

<sup>1</sup>Government of India, *Commission of Enquiry on Emoluments and Conditions of Service of Central Government Employees, 1957-59* (Chairman: Shri Justice Jaganadha Das, chapter III on "General Description of Central Government Employees", New Delhi, Manager of Publications, pp. 8-14.

<sup>2</sup>Excluding those serving under the Union Territories and Public and Commercial Enterprises.

<sup>3</sup>Second Pay Commission, *op. cit.*, p. 9.

and discretion, there is always the possibility of abuse, more so when the power and discretion have to be exercised in the context of scarcity and controls and pressure to spend public money, as in India.<sup>4</sup> Lord Shawcross in his face to the Whyatt Report pointed out: "With the existence of a great bureaucracy there are inevitably occasions not insignificant in number, when through error or indifference injustice is done—or appears to be done. The man of substance can deal with these situations. He is near to the establishment; he enjoys the status or possesses the influence which will ensure him the ear of those in authority. He can afford to pursue such legal remedies as may be available. But too often the little man, the ordinary humble citizen, is incapable of asserting himself."<sup>5</sup>

If the wide powers given to the executive were always properly exercised and supervised, the citizen need not fear the impinging of his civil rights or liberties. But no administration is perfect. It is, therefore, a reasonable assumption, that, "The greater the degree of discretion granted, the size or number of governmental authorities and the number of individual cases being dealt with, the more likely it is that the incidence of mistakes will increase, and the less likely that they will be discovered."<sup>6</sup>

The Law Commission pointed out in its fourteenth report that there is a vast field of administrative action in India in which administrative authority may act outside the strict scope of law and propriety without the injured citizen being in a position to obtain effective redress. While it is incontrovertible that ample powers must be conferred on the executive for it to function effectively, there should be some form of check to prevent the exercise of these powers from becoming arbitrary. [The Santhanam Committee reviewed the position like this:<sup>7</sup>

Discretionary powers are exercised by different categories of government servants all of whom are not endowed with a high sense of dedication and integrity in equal measure. There is scope for harassment, malpractices and corruption in the exercise of discretionary powers. While we recognize that it would not be possible to completely eliminate discretion in the exercise of powers, it should be possible to devise a system of administration which would reduce to the minimum, even if there is certain seeming loss of perfection, the need for exercise of personal discretion consistent with efficiency and speedy

<sup>4</sup>Government of India, *Report of the Committee on Prevention of Corruption* (Chairman: K. Santhanam), New Delhi, Manager of Publications, p. 9.

<sup>5</sup>International Commission of Jurists (British Section), *The Citizen and Administration*, The Report, (Chairman: Justice Whyatt), London, 1961, p. xiii.

<sup>6</sup>Namoi Caiden, "Ombudsman for Australia", *Public Administration*, Australia, Vol. XXIII, No. 2, June 1964, p. 98.

<sup>7</sup>Report of the Committee on Prevention of Corruption, *op. cit.*, p. 45.

disposal of public business. Even so there would be quite a considerable area where exercise of discretion could not be eliminated. It will, therefore, be necessary to devise adequate methods of control over exercise of discretion. In the more advanced countries various methods of such control have been devised. We recommend that this should be studied and a system of control should be devised keeping in view the needs of the situation, the difficulties that arise on account of vastness of our country and the basic principles which are enshrined in our constitution and jurisprudence.]

The increase in the scope and direction of governmental powers has been accompanied by an increase in the volume of legislation and executive orders and in their extension to new areas. The powers granted by parliament to government have tended to become more and more discretionary. With the legislative work becoming technical and complex and its output constantly increasing, Parliament tends to leave the details to be worked out by the executive. This has been unavoidable and it has increased the powers of the executive immensely.

Besides the growth, in discretionary powers and delegated legislation, powers of the executive have increased as 'dispensers of justice' also. In India, as in many countries, there has been a phenomenal rise in the number of administrative tribunals and the amount of administrative adjudication. Administrative tribunals are agencies created by specific enactments to adjudicate upon controversies that may arise in the course of implementation of the substantive provisions of the relevant enactments.<sup>8</sup>

According to a statement of the Union Law Minister in 1958, there were as many as 100 tribunals operating under the central acts alone in India. Justice administered by administrative tribunals has the merit of directness, expedition, freedom from the bounds of purely technical rules and consequent ability to give effect to legislatively expressed policy. Administrative tribunals are not bound by the elaborate rules of evidence or procedure that govern the ordinary courts and they are only required to adhere to the procedure prescribed by the relevant law and observe the principles of 'natural justice'. Decisions of such tribunals are not reviewable by courts on merits and are reviewable only on grounds like<sup>9</sup>: (a) lack or excess of jurisdiction, (b) failure to adhere to principles of natural justice of fair hearing, (c) bias, (d) error apparent on the face of the record, and (e) failure to observe the

<sup>8</sup>T.C.A. Ramanujachari, "Administrative Tribunals and Commissions of Enquiry", *Indian Journal of Public Administration* (Special Supplement), Vol. IX, No. 3, July-September, 1963, p. 145.

<sup>9</sup>*Ibid.*

prescribed procedure.

All these problems—executive discretion, delegated legislation and administrative adjudication—are closely related to the problem of redress of citizen's grievances. Though universal in character, this problem is more pressing in countries like India which have recently become free from the foreign rule. In advanced democracies, non-legal institutions like political parties, pressure groups, press, etc., are a vital source of control of administrative action and exert a very sobering influence on public administration. This extra-constitutional machinery is weak in India.

Nevertheless, this extension of the executive arm of the government in all these three directions has led to some serious search for devising a proper machinery for the redress of citizen's grievances. There is a countrywide interest in the problem which is evident from the fact that the recommendations of the Mathur Committee to appoint an Ombudsman for Rajasthan, and the appointment of a Central Vigilance Commission recommended by the Santhanam Committee received greatest attention and prominence in the press. At present, the high powered Administrative Reforms Commission is examining this problem as specific term of its reference.

A satisfactory cure of the citizen's grievances in India today would probably require not one but many-sided institutional, procedural and functional reforms and even then it will not be a permanent cure and a satisfactory scheme for all time. It is worth quoting Dean Landis's following remark in this connection.<sup>10</sup> "No single mind and no group of minds can in any short period of time grapple with all the complexities of administrative procedure and bring forth a reasonably definitive code. This is a problem which has to be tackled piece by piece and year by year by men who have continuing concern with its ever changing phases." This paper is concerned only with such few institutions which have provided successful method of dealing with the citizen's grievances abroad and whose applicability to India may be seriously discussed.

## II

One typical Scandinavian institution which has aroused a worldwide interest is the institution of Ombudsman. It has been adopted in northern European countries such as Denmark, Sweden, Finland and Norway. Their systems have a common characteristic in that their goal is the achievement of democratization of public administration and the effecting of improvement in existing legislation or administrative opera-

<sup>10</sup>K.C. Davis, "Ombudsman in America", *Public Law*, Spring 1962, p. 41.

tion by means of suggestions and advice by Ombudsmen, although they differ in character in scope and strength of authority, and in scale of organization. It may be of some interest and value to summarize some of the reasons given for the success of the institution:

1. The Ombudsman is established as an instrument of parliament for the supervision and control of the administration. He is both in form and practice independent of the government; he is also independent of parliament in the performance of his duties. Parliament is only entitled to lay down general rules for his activities.
2. The Ombudsman is not only an instrument for supervising the administration, but also a protector of the rights of the individual. The institution has not only afforded a fulfilment of the sense of justice and fair play inherent in every individual but also provides supervision on behalf of the people of the day-to-day activities.<sup>11</sup>
3. Non-partisan nature of the office makes it possible for the Ombudsman to undertake a non-partisan review. Though his review is primarily a grievance review and he is only indirectly interested in economy and efficiency, yet with this indirect approach, his influence and control in this sphere has been considerable.
4. Ombudsman's review can also be quasi-judicial in character.
5. Small size of the Ombudsman's office has been conducive to effective work and at the same time it has placed little burden on the exchequer. Thus, total budget of Danish Ombudsman is only half a million kroners (one kroner is almost equivalent to a Rupee) a year and he works with a staff of only twelve persons out of which three are part time employees.<sup>12</sup>
6. Ombudsman's investigation is conducted well above an elementary technical level—unlike audit or vigilance.
7. It is a review avoiding legal and administrative technicalities and directing primary attention to basic questions relating to procedures and maladministration.
8. The investigations of the Ombudsman are conducted informally. In investigating complaints, the Ombudsman has free access of all the files of the administration and he can demand explanations from the officials or authorities concerned. Administrative

<sup>11</sup>U.N. Seminar, *Judicial and other Remedies Against Abuse of Administrative Authority*, Stockholm, Sweden, 12 to 25 June, 1962, p. 17.

<sup>12</sup>Information is based on an interview with Mr. Mogens Lerharll, Secretary, Folketingens Ombudsman, Denmark.

tribunals and courts, on the other hand are bound by formal rules in hearing cases and have limited powers of inspection.<sup>13</sup>

9. Although redress of grievances secured by Ombudsman is *ex-post-facto*, it is not a mere post-mortem.
10. Great restraint is exercised by the Ombudsman in its conclusions and recommendations. By carefully making its recommendations in the form of suggestions rather than prescriptions or orders for immediate action, the office has been able to maintain harmonious and cooperative relations with the departments.
11. The office has over the year established definite and fairly precise limits as regards the scope of its inquiries which are well understood and accepted by the departments.
12. The Ombudsman office very often learns from one agency and makes this learning available to another agency. Agencies without this kind of outside help characteristically fall into rut of their own making and seldom inquire how the same jobs are done elsewhere.
13. The continuous, pervasive and salutary influence and control exercised by the Ombudsman has avoided regular legislative encroaching on the executive action.
14. It's investigation, though informal, is conducted openly. All documents are made available to the press and wide publicity is given to the investigation.
15. The Ombudsman has considerable flexibility in the form of action which he can take in a given case. Various courses are open to him. If after investigation he finds that an official has handled a case wrongly or unjustly or made an erroneous or improper decision, the Ombudsman can demand that proceedings be instituted against such an official or he might administer a reprimand and include the case in his report to parliament. This intervention can also take the form of persuasion instead of a critical report.<sup>14</sup>

In his capacity as Commissioner of Parliament the Ombudsman supervises the observance of law and statutes. He can intervene against all forms of illegal or improper conduct of officials. He investigates complaints against administrative decisions, as well as complaints of official misbehaviour, inefficiency or negligence. In Denmark, for, example, the Ombudsman is obliged to "keep himself informed as to whether any person comprised by his jurisdiction pursues unlawful ends, takes arbitrary or unreasonable decisions or otherwise commits mistakes

<sup>13</sup>U.N. Seminar, *op. cit.*, p. 17.

<sup>14</sup>*Ibid.*

or acts of negligence in the discharge of his or her duties". His work is carried out in following ways:

1. By suggestions or advice in cases involving the improvement of administrative operations, and for furthering the proper execution of existing legislation.
2. By direction or orders in cases involving requests for the taking of disciplinary measures against public officials of administrative agencies or of the Public Procurator's office.
3. By notification or report in case of giving notification or reporting upon defects in existing legislation to the minister concerned or to the house of parliament.

As a general rule, administrative complaints which may be received by the Ombudsman are limited to complaints which are presented within one year of occurrence of the fact. "The Commissioner may take up a matter for investigation on his own initiative. So far this authority has been used in only a few cases, for instance when the press has brought a matter concerning the administration before the public. Usually, however, investigations are initiated upon receipt of a complaint. Any person may lodge a complaint without having to show any special interest in the matter concerned, but naturally the Commissioner (Ombudsman) will be reluctant to take up a complaint for examination if it is evident that the complaint has no legal or reasonable interest. Furthermore, person deprived of his personal liberty is entitled to address written communications in sealed envelopes to the Commissioner (Ombudsman)."<sup>15</sup>

Though similar in many respects, the Ombudsman offices in these countries differ in regard to formal powers, jurisdiction, etc. The jurisdiction of the Swedish and Finish Ombudsman is more extensive than their Danish and Norwegian counterparts. In contrast to the practice in Sweden, Denmark and Finland ministers are subject to the supervisory authority of the Ombudsman. The judicial authorities come under the supervision of the Ombudsman in Sweden and Finland, but not so in Denmark, Norway or New Zealand. In Sweden and Finland the Ombudsman supervises not only the administration but also the courts. In Sweden and Norway, there are 'two Ombudsmen, one to supervise the civil administration and another, the military authorities.

In case of discretionary decisions, the Ombudsman in Sweden and Finland enjoys no specific right to criticise the wisdom of a decision. But the Danish Ombudsman has the right to criticise an unreasonable decision. In Norway, the Ombudsman can deal with the complaints against discre-

<sup>15</sup>S. Hurwitz, "The Danish Parliamentary Commissioner for Civil and Military Government Administration", *Public Law*, Autumn, 1958, p. 240.



tionary decisions only when it appears that the decision has been so abused as not to amount to a genuine exercise of discretion.

The fundamental argument for Ombudsman is that governmental processes can be improved significantly through continuing criticism by an officer who focuses on problems of administrative action but who is not involved in making the substantive decisions and who is not limited to one field of administration. The idea resists heavily upon the cardinal principle of check which has played an important role in the historical development of protections against unfair governmental actions. The check is all the more effective because it is made by an officer with a different focus from that of the administrator whose approach is more subjective. The check can be aimed at not merely unfairness but also at inefficiency—an Ombudsman can provide a check against unfairness not merely in adjudication and rule making but also at inefficiency, in prosecuting and in informal dealing. The Ombudsman can combine the two major tasks of investigating complaints in specific cases and making sustained enquiries into possible ways to strengthen the administrative process: these two tasks belong together, for they interact on each other.<sup>16</sup>

Prof. Davis further states, "Neither codes of uniform administrative procedure nor laws prescribing minimum procedural safeguards can accomplish the single objective of devising better protections against unfairness and at the same time increasing the effectiveness of the administrative process. What we need are sustained, continuing enquiries, embracing all kinds of governmental processes in all the myriad agencies."<sup>17</sup> Herein comes the *raison d'être* of the Ombudsman system: the most important of the merits of this system is that it aims to investigate and resolve administrative complaints from individuals and corporations, and to secure the fair and legitimate practice of administration continuously by the Ombudsman as a third person.

The question of transplanting Ombudsman system has been discussed in many countries, e.g., USA, England, Greece, Japan, Canada in recent years.

### III

Procurator system plays an important part in securing the redress of citizen's grievances and ensuring observance of legality at all levels of the administration in the eastern European countries of USSR, Czechoslovakia, Hungary, Poland and Romania. Its functions are different from that of various similarly named institutions in western Europe.

<sup>16</sup>K.C. Davis, *pp. cit.*, p. 41.

<sup>17</sup>*Ibid.*, pp. 41-42.



The procuracy performs a variety of functions including the prosecution of crimes, supervision over legality in the activity of the investigating agencies, supervision over judicial sentences and judgments, supervision over the legality of the execution of sentences and supervision over the legality of detention of prisoners. However, its most important function is that of "general supervision a two-fold task<sup>18</sup> consisting of: (a) Supervision over conformity of the subordinate legislation of ministries and other governmental agencies with various higher laws and decrees; and (b) supervision over the strict execution of laws by officials and citizens.

The Article 113 of the Russian Constitution gives a general mandate to the office to prevent Soviet governmental bodies from exceeding their powers which means supervising:<sup>19</sup>

1. The strict execution of the law by all ministries, departments, institutions and undertakings, executive and administrative organs of local soviets and cooperatives and other public organizations as well as by all officials and citizens.
2. The legality of the actions of the organs of enquiry and preliminary investigation.
3. The legality and validity of sentences, judgments and decisions pronounced by judicial bodies.
4. The legality of the execution of court sentences.
5. The observance of legality of the treatment of convicts in places of detention.
6. Finally, instituting criminal proceedings against persons guilty of criminal offences.

The entire system functions on the principle of subordination of lower to higher procurators. The system is not subject to the authority of the ministry of justice and all components work independently of local bodies—subordinate solely to the Procurator General, who directs and supervises the work of the whole organization. The Procurator General is responsible to the legislature alone and reports to it. "The legislature may give instructions to the Procurator General in general terms, but not in relation to individual cases. He must take into account, however, any comments made by legislators upon his work. The legislature also has the power to annul actions on his part, but this power is rarely used. In some countries the work of Procurator General is supervised by a

<sup>18</sup>Glean G. Morgan, "The Soviet Procuracy's General Supervision Function", *Soviet Studies*, Vol. XI, No. 2, 1960, p. 143.

<sup>19</sup>A. Denison and M. Kirichenko, *Soviet State Law*, Moscow, Foreign Languages Publishing House, 1960, p. 314.

subordinate body of the legislature acting on its behalf."<sup>20</sup> The relationship between the Procurator General and the legislature ensures that he and his subordinates shall be independent of the administration at all levels.

Like Ombudsman, the Procurator's supervisory powers are also exercised in form of appeals by the Procurator's to next higher authorities. Broadly his powers include:

1. Power to demand and obtain, within their respective jurisdiction, orders, institutions, decisions, ordinances and other documents issued by ministers, heads of departments, institutions and enterprises and other public organizations, to verify the legality of these documents.
2. Powers to demand that the work of certain institutions, undertakings and officials be inspected and audited.
3. Powers to challenge legality of ordinances, orders, instructions, decisions and other measures of various government agencies not conforming to the law.

If, on the basis of all the information at his disposal, the procurator decides that a violation of the law has taken place, he may take any of these three principal steps: (1) He may make a formal motion against a resolution or a decision or the administrative authority. This is called 'protest'. (2) His action may also take the form of a 'proposal' for rectifying violations of law and eliminating the causes encouraging the violation. The main judicial difference between a protest and a proposal lies first in the extent for the legal effect these produce. A proposal has, in contrast to a protest—no dilatory effect. A further difference is to be found in the scope of application. A proposal can be made not only against actual violations of law but also against factors encouraging such violations.<sup>21</sup> (3) The procurator can initiate criminal, civil, administrative and disciplinary proceedings against officials or citizens who have violated the law. In both cases, however, he may propose the institution of such proceedings.

The organization of procuracy generally consists of a 'central apparatus' and a large number of subordinate offices. The 'central apparatus' is organized on functional lines in various departments: (a) Bureau of investigation responsible for supervision of enquiries conducted by the police and the investigators attached to the procuracy, (b) Department for the supervision of the trial by courts of criminal case, (c) Department for the supervision of the places of confinement, (d) Department

<sup>20</sup>U.N. Seminar (1962), *Judicial and other Remedies against Abuse of Administrative Authority*, op. cit., p. 18.

<sup>21</sup>Dietrich A. Loeber, "The Soviet Procuracy and the Individual", *Journal of the International Commission of Jurists*, Vol. I, No. 1, Autumn-Winter, 1957, p. 68.

for research and evaluation. There are many similar departments.

Every individual has a right to complaint to the procuracy. The complaints may be filed with any Procurator's office and in any form, written or oral. There is no time limit prescribed. In such cases where the available administrative or judicial procedure has not yet been initiated by the complainant. The procuracy may:<sup>22</sup>

1. Advise the complainant of the ordinary administrative or judicial channel;
2. Initiate itself administrative or judicial proceedings in cases where this right is given to the procuracy; and
3. Take action with regard to the act which forms the subject of the complaint and address directly to the organ against which the complaint has been made by way of protest, proposal or by initiating proceedings against those guilty of a violation of law.

If the complaint is declined by the procuracy, the complainant has the following choice of actions to follow up the matter:

1. He may complaint to the next higher office of the procuracy and so forth up to the Procurator General.
2. He may start ordinary administrative or judicial procedures if available and not yet exhausted.

Following differences may be noted between the Ombudsman system and the Procurator system : (a) Procurator's work as a huge organization and it is at one extreme from the Scandinavian Ombudsman system, where the personal investigation of the complaints by the Ombudsman himself makes all the difference in the acceptability of the system not only to the citizens but, what is really more important, to the members of administration. (b) Procurator's principal functions refer to the guarding of the interests of the state rather than the interests of the ordinary citizens. As such his role as Ombudsman seems to be a subsidiary one. (c) The procuracy's supervision is directed almost wholly to the lower levels of government administration. "No examples are ever provided of procuracy checking on the legality of the execution of the law by higher officials or agencies."<sup>23</sup>

#### IV

In France and certain other countries there exists a system of courts

<sup>22</sup>Dietrich A. Loebner, *op. cit.*, p. 89.

<sup>23</sup>G.G. Morgan, *op. cit.*, p. 181.

empowered to deal with disputes between individuals and the administration, which is separate from the hierarchy of ordinary courts.

At the head of this system of administrative courts in France stands the *conseil d'etat*, the courts of first instance being called administrative tribunals.<sup>24</sup> The *conseil d'etat* is the supreme court of appeal in all administrative matters in France; it has ultimate authority over the discipline of the civil servants and exists generally to supervise administration. Any case in which a civil servant is concerned in respect of actions performed in the course of his official duties belongs to the jurisdiction of *conseil d'etat*. However, the resolution of individual grievances is but a part of the work of the council—it is in effect part of the hierarchical head of the administration acting as the consultative organ of the chief executive. The *conseil d'etat* has two principal types of functions: (a) It is the government's advisory body on legislation. (b) It is also the supreme administrative court. The second function, of late, has become the dominant interest of the *conseil d'etat*.

The council is divided into two sections: (a) administrative section, and (b) judicial section. Those of its members who are connected with the administrative section are eliminated from the deliberations of the council in its judicial capacity. In fact, it is judicial section alone, rather than the council as a whole, that can properly be designated as administrative court.

The judicial section is further sub-divided into nine sub-sections composed of president, two other members and certain number of auditors assigned to judicial section. These sub-sections are designated according to number. The first four are preparatory organs; they study and prepare the records unless the cases are ready for judgment. The other five sub-sections have the power to decide cases by themselves and they are given jurisdiction in numerous less important types of cases. On the administrative side, the council is divided into these three sections—finance, interior and public works, each dealing with matters of interest to several ministries. These sections may meet jointly for deliberations on subject-matter common to both.<sup>25</sup> Thus the *conseil d'etat* is on the one hand, equipped with machinery to deal with matters of active administration and on the other it has organization designed to resolve grievances arising out of the acts of administration.

Since there are some administrative actions which are necessary in terms of government-actions where the official is involved in the habits and urgencies of governmental apparatus, a distinction is made between acts for which a government servant is personally liable and sueable in the ordinary court and those which are the result of administrative faults,

<sup>24</sup>U.N. Seminar, *op. cit.*, p. 30.

<sup>25</sup>W. Rokhan and O.C. Pratt, *Studies in French Administrative Law*, Alabama, Illinois, University of Illinois Press, 1947, p. 17.

for which service as entity is responsible. This distinction between *faute-personale* and *faute-de-service* is made by *tribunal-des-conflicts* and its doctrine is to be found in a series of cases commencing from 1713. Personal faults are judged and decided before the ordinary law courts whereas service faults go to appropriate administrative court.

Prof. Hanson lists<sup>26</sup> following matters which are outside Council's Jurisdiction:

1. Matters which appertain to the legislature and the judiciary.
2. Exercise of prerogative of mercy by administration of justice.
3. Minor sanctions imposed within the army.
4. Administration of prisoners.
5. Matters which affect directly or indirectly the international relations.
6. Protection of a French citizen abroad or with the acts or instructions given to diplomats and consul.
7. Nationalised industries (it is held that their operations have more in common with those of private industries and enterprises than with ordinary parts of administration).
8. An administrative activity which constitutes so gross an abuse of powers—particularly in the use of physical force—that it is manifestly impossible to regard it as 'the application of a law' or of a power normally regarded as inherent in the administration; it is held on these occasions that the responsible official or administration has in fact left the field of public law altogether and has committed an offence of an ordinary civil or criminal nature.

The method for beginning an action is very simple. It requires no more than two copies of complaints, a copy of the contested decision, and an abstract of the legal arguments or factual details in support of the case. The plaintiff may or may not use the services of one of the lawyers registered at the bar of the *conseil d'etat*. The cost of the case is, therefore, very small and even where a lawyer's services are used, the fees are fixed by a scale of charges authorized by the *conseil* itself, and subject to its examination.

However, the *conseil d'etat* should not be regarded as necessarily hostile to the administrators. It looks at these matters not only with the judicial eye trained to suspect government but with the administrative eye of those charges with maintaining it.<sup>27</sup> It is based on the principle that the administrators acting in due course of office must necessarily have

<sup>26</sup>C.G. Hanson, *Executive Discretion and Judicial Control*, London, Stevens, 1954, p. 16.

<sup>27</sup>*Ibid.*, p. 19.

had a sufficient cause of reason for his act ; and to such an administrator it can be no hardship to produce that reason before a body as well versed in administrative affairs as is the *conseil d'etat*, whenever to the *conseil d'etat* it appears that there is a sufficient ground for the production of that reason. *Conseil d'etat* invites the administrator to justify his administrative act before itself in the manner appropriate to that act—no more and no less; in the belief no doubt that this act will be justified that upon pain that, failing the justification, the act will be declared null. "The principle has simplicity and universality ; its consequences are cardinal. It gives to the French citizen the right and the power to arraign the administrator in respect of his administrative act—in the literal sense of the word, to bring him and his act to the text of reason."<sup>28</sup>

The *conseil d'etat*'s law may be described as a set of rules strictly internal to the civil service—almost a series of treasury circulars. They are, however, rules which have come into being, no *a priori*, but as a result of a long series of concrete instances litigated and judicially decided in public: they have been elaborated by the *conseil d'etat* to secure a proper and decent standard of behaviour in the French administration.<sup>29</sup> However, the greatest originality of the *conseil d'etat* was that it did not keep this standard by a public and litigious process which enforced the standard in the particular instance by nullifying the act done in contravention to it; and which by that enforcement both elaborated the standard itself and gave the public a confidence as much in its existence as in its justice.

There are four grounds on which the Council may annul an act *ultra vires*. They are :<sup>30</sup>

- (a) Lack of authority;
- (b) Failure to observe procedures required by law;
- (c) Abuse of power: and
- (d) Violation of the law.

Because of the two orders of jurisdiction, there often arises a question in a case before a civil court as to whether a certain administrative act is illegal. If the judge declares, rightly or wrongly, that he is incompetent to pass on the legality of the act, and if it is necessary to determine the legality of this administrative act before the case at hand can be decided, then the civil court recesses until such time as one of the interested parties has petitioned the *conseil d'etat* on the legality of the

<sup>28</sup>C.G. Hanson, *op. cit.*, p. 19.

<sup>29</sup>*Ibid.*, p. 126.

<sup>30</sup>Charles E. Freedman, *The Conseil d'Etat in Modern France*, New York, Columbia University Press, 1961, p. 133.



Act. This is called a "petition for appreciation of validity" on a 'pre-judicial question'.

There are circumstances where the administration can be under obligation to justify its use of discretionary decisions. For example, if a minister were to refuse a building licence on the grounds that building would spoil the particularly beautiful countryside in a protected area; it would be sufficient for the plaintiff to show that the area concerned was full of industrial properties successfully to contest the minister's decision before the *conseil d'etat*.

The *conseil d'etat* takes two lines of action after making the enquiry:

1. The first is an action for the annulment of an administrative act or decision on grounds of legality.
2. The second is an action inviting the court to recognize the existence of a subjective right which the administration has damaged, and to obtain redress.

*Recourse d'Annulation:* In practice, annulment has enabled the citizen to secure the redress of grievances against the administration to a very large extent. Prof. Hanson cites an outstanding illustration of the exercise of this power. It is of five young men whose names were struck off the lists of candidates for the examination for entry to the National School of Administration, through which it is necessary to pass in order to join the higher ranks of civil service. The final determination of who should be included in this list was vested by law in the prime minister and no limit was set to the exercise of this discretion, which he had on this occasion lawfully delegated to a colleague. The five young men, after consideration of their dossiers, were excluded. Summoned before the *conseil d'etat*, the minister concerned relied on the discretionary character of the power committed to him and declined to produce the dossiers. The plaintiffs held that they had been refused admission to the list because of their past political affiliations, and that this was inconsistent with the Declaration of the Rights of the Man, the institution of an independent civil service and natural justice generally. In the absence of evidence to the contrary from the minister, the *conseil* upheld the complaint and quashed the decision. The *conseil d'etat*, in a case of this sort and in discharging many of its other functions uses judicial process.

The council of state though primarily a French institution, has its parallel in many European and African countries. In Belgium, the Act of December 23, 1946 established a *conseil d'etat* with power to annul any illegal judicial-administrative act, whether general or specific.<sup>31</sup> "A

<sup>31</sup>U.N. Seminar, *op. cit.*, p. 31.

system of administrative justice similar to the French applies in Greece. The *conseil d'etat* in Greece has held that decisions of administrative authorities should be reasoned and that omissions on the part of the administrative authorities should be subject to review as well as positive acts. The institution of *conseil d'etat* along the French lines has also been introduced in Turkey. The same is true of Cyprus where the constitutional court is vested also with the competence of a *conseil d'etat*.<sup>32</sup> Austria, Spain, Italy, Germany have also created administrative courts similar to French *conseil d'etat* in many respects.

## V

So far, we have seen, the three principal institutions of the redress of citizen's grievances and their working in various countries. But it would be an awkward task to express a preference between them for adoption in India. For it is absurd to think of mechanical transplantation of political devices and institutions grown in a different historical and social environment. Also there is no common satisfaction regarding these institutions. However, certain features of these institutions may be looked with advantage and probably adopted in India.

It would be recognized that there are common characteristics between Ombudsmen which have been in operation in northern European countries, *conseil d'etat* in France and other countries, and procurators which we have discussed in Russia and various eastern European countries. The similarity lies in this: that their object is resolution of administrative complaints of individuals which might not be qualified to be handled in ordinary course or administrative tribunals. As seen earlier, in the two latter systems, discussed the conciliation of administrative complaints of individuals is operated in conjunction with administrative inspection because of the tendency of administrative complaints to increase year by year, this administrative conciliation has developed into a legal system although its appearance was not originally theoretical.

The main purpose of the system of conciliation for administrative complaints is to ensure that principles of democracy of lawfulness and of propriety should be observed in public administration conducted by central or local government authorities and that the healthy administration should be advanced by receiving and dealing with administrative complaints as efficiently as possible.

The present system of redress of citizen's grievances in our country, provides remedies for illegal actions on the part of the officers. But it

<sup>32</sup> U.N. Seminar, *op. cit.*, p. 32.

affords little help in case of complaints against maladministration. No doubt there have been in the past a couple of sensational enquiries into the actions of the officials. But they tend to be costly and elaborate. The cost of Bose Enquiry Committee set up to look into Mundhra LIC Scandal alone was Rs. 1,55,000. By and large, the present procedures for securing redress of grievance open to a wronged citizen have proved cumbersome, inadequate and slow. The Ombudsman system provides the quickest and cheapest remedy in such cases.

Many people prefer to send an application to Ombudsman because it is easier and quicker, and there is no need whatsoever to be legally represented. But there is another reason for bringing such cases before the Ombudsman. "No court would like to declare a decision invalid if it is obvious that the error committed has not had and could not have had any influence upon the decision. Neither would a plaintiff claiming damages succeed in such circumstances. The Ombudsman on the other hand, will criticize the administration if he is of the opinion that an error has been committed even if it is not of sufficient importance to give the applicant a right to damages or a right to have the decision declared invalid."<sup>33</sup>

What is remarkable is that "a great number of the errors criticized are matters that would never have been brought before an ordinary court. It is for instance quite clear that no court would ever take any action if it is found that an administrative body had spent a quite unreasonable time before deciding a case before it. Neither would it declare invalid because an official in an inferior position had decided a case that in the judge's opinion, ought to have been dealt with by a civil servant in the administrative class. And if, in a case where damages were claimed against the state, the court was of the opinion that administrative decision was correct, but that the law suits might have been avoided the department had stated its reasons for the decision in detail at an early stage of the proceedings, this would not entitle the plaintiff to succeed—not even in getting an award of costs against the state."<sup>34</sup>

Neither will a court be able to do anything if administrative decisions are communicated to applicants in an unorthodox manner or if administrative authorities do not answer letters asking for information of what is happening in a case.

Administrative courts—e.g., the *conseil d'etat* in France—would roughly speaking be in a position as the ordinary courts when faced with this sort of problem—that is to say that they would be unable to do anything except now and then to comment unfavourably upon the

<sup>33</sup>I.M. Pederson, "The Danish Parliamentary Commissioner in Action", *Public Law*, Summer, 1959, pp. 121-22.

<sup>34</sup>S. Hurwitz, *op. cit.*, pp. 241-42.

administrative practice, but it is unlikely that many people would prefer legal proceedings with when there are little chances of getting remedy.

Further in many cases the complainant has incomplete knowledge of the relevant laws or regulations, or of the facts of the case, and he may be just unable to interpret the facts in order to challenge the unlawful and improper activities of the civil servants. Especially would he not understand a decision which appeared to him to be unreasonable or unjust, when the reasons for the decision are not disclosed. Even if his complaint may be justifiable, because he stands on a weaker footing in his knowledge whether his case is justifiable or not then does the administrator concerned, a fair and reasonable solution, would be difficult to secure.

For remedying this defect it is necessary to establish an independent authority who has power to make an impartial investigation into the actual convictions of both parties. Only thus may a fair fact-finding and reasonable solution be secured. Otherwise even if the complainant should be justifiable such a case might occur wherein the complainant would be left uninvestigated or he would be investigated unilaterally by the administrative organ concerned. A right corrective would be to create an Ombudsman type of organization in India, empowered to deal with any complaint relating to administrative acts of central or local government authorities except complaints involving the following:

1. Criminal cases;
2. Administrative cases which are under litigation or have already been decided in a ordinary court of law;
3. Civil cases between individuals;
4. Complaints which should be appealed to the administrative authorities through departmental channels; and
5. Complaints due to ignorance of law or regulations or misunderstanding of facts by the person.

Where a complaint is due to ignorance of law, regulations or other facts it may be solved by giving an explanation to the person. Complaints, *e.g.*, (a) demand for modification of laws and others, (b) imperfection of laws, (c) inadequate information, and (d) misunderstanding, are subjects for reference to the authority concerned. In the final analysis, the extent of complaints which should be considered as proper subjects for Ombudsman is confined to complaints in which the complainant has been actually aggrieved on the basis of actual administrative acts of central or local government authorities.

Any complainant of corporation may present their complaints on the above mentioned acts of a central or local government authorities in writing or orally at any time to Ombudsman or one of his deputies.

The Ombudsman may instruct the complainant to present his complaints in writing, for example, in case where it seems difficult to clarify intent or the complicated circumstances involved in a complaint without access to a plan, map or other documents. The complainant may send his complaint directly to Ombudsman or to local Ombudsman office. (There should be one small Ombudsman office at least for 3-4 districts.)

After receiving the complaint, Ombudsman or one of his deputies, must hold hearings and record in the prescribed form the circumstances of the case. Then if necessary, the complaint may be referred to related authorities to clarify necessary points. Ombudsman/Deputies may give their own views about the case to both parties, and after confirmation by both parties, may present a conciliation plan to them. It must be added endeavour of Ombudsman should be to eliminate causes of complaint and arrive at voluntary resolution of complaints by okay between complainant and relating authority. It is a function which must proceed in cooperation with the authority concerned.

However in any case, the complainant must be conveyed the results of the enquiry. When the conciliation efforts have failed, the Ombudsman may mention the case in his annual report. Also where gross abuse is involved he may recommend starting of criminal, civil and disciplinary proceedings. He should also have the power to demand that the work of certain institutions, undertakings and officials be inspected and audited. In rare cases he should have power to conduct prosecution and inspection himself. But this should be rarely resorted to.

In certain cases, it will be necessary to protect the confidentiality of the complainant. Such cases may arise when a case contains private secrets or where the complainant wishes to keep his name secret.

Ombudsman may receive and take up administrative complaints which have appeared in press or which may be sent to him by Central Vigilance Organization or other agencies. But the main task of Ombudsman will be to deal with those complaints where individual cannot claim legal right or interest, e.g., complaints in delay of administrative dealing, in complication of administrative procedures in discourteous behaviour of administrative officials and so on. The Ombudsman should conduct investigations with aim to collect materials for rectification and improvement in public administration, alongwith the redress of grievances of individuals, by conciliation, recommendation and often by prosecution. □

# **Bureaucratic Contact with the Public in India\***

## **SOME PRELIMINARY FINDINGS IN DELHI STATE**

**S.J. Eldersveld**

IN ANY society, even in one which is apparently static, communication patterns between 'the elite sector' and 'the citizen mass' are vital. They can be conceived as 'instrumental' to the elite in achieving its support utilisation objectives, its recruitment of personnel and its aims for the maintenance and development of consensus, or in its transformation. The 'intelligence function' of such interactions cannot be understated—the elite needs constant contact with and evaluation of the ever-changing content of citizen demands. Only then can it determine both the cooperation potential and the alienation potential of significant sectors of society. From the viewpoint of the citizen, such communicative relationships can resolve his doubts about elite objectives and motivate him to share in government programmes.

In a developing society like India these elite-citizen contacts and interactions are more than ordinarily significant. First, of course, is the post-independence aim of national integration and unity, explicitly recognised in the constitution as a major goal, which today, 18 years after independence, seem far from achievement. This is not merely a matter of linguistic provincialism. It is a question of the identification of the rural peasant and urban resident with larger social collectivities than the immediate village or caste or religious group in which he is born and lives. It is also a matter of the extensiveness of the average citizen's knowledge of, and commitment to, the goals of the larger society and political order.

A second problem in a developing society like India is that of the involvement of the citizen with the developing, more 'modern' social and political institutions and secondary, or intermediary associations in the society. As the traditional associations are modified and adapted to the processes of modernisation, the question is whether the ordinary peasant or urban resident will perceive these institutions as meaningful agencies for action or will see them as alien and ineffectual for him. A new 'development' bureaucracy, a new party system, new interest groups

\*From *Indian Journal of Public Administration*, Vol. XI, No. 2, 1965, pp. 216-35.



come into existence, while at the same time old caste and religious associations are changed, wittingly or unwittingly, to conform to the requirements for organized action in the new order. For the ordinary citizen, still illiterate and clinging to the traditional forms, involvement in these new or modified forms of social and political action is necessary if the new elite is not to become hopelessly distant from the old society. Under what conditions does he come to trust this new bureaucracy, this new party system, these new agencies for action? How does he arrive at cognition of these agencies as useful avenues for political action, as agencies through which he can communicate, to support, or take reprisal action against the elite—how utilize such institutions for legitimate political action objectives? The process by which those committed to the traditional order come to accept and participate in these 'westernized' and secular institutions for action is critical for the development of a country like India.

A third problem concerns the citizen's involvement in economic and social development programmes. The extent of this participation is not only critical for the immediate aims of these programmes; it is also highly relevant for the development of a modern, truly national, state. Such participation in economic and social planning is essentially again a matter of communication, in the broadest sense. It requires a citizenry which is informed about these goals, supports them, has social and economic aspirations and perspectives which mesh with such goals, and which are realistically achievement-oriented, and, finally, aspirations which as the result of contacts with 'the elite', or despite such contacts, results in certain specific citizen actions which are congruent with and do indeed implement developmental goals. The requirement is an aspiration pattern and action pattern which is utilitarian, pragmatic, and consistent with elite aspirations and actions. If in India today there is a failure in certain programmes, such as that in the field of agricultural production, it may be traceable to a failure of the elite to commit the peasantry to action—through the party system, through caste leadership, through more modernized interest groups, or through bureaucratic contacts with the public.

India faces many internal conflicts over development goals and implementation. These conflicts exist over the goals themselves in the broadest sense—whether the reduction of economic disparities should be primary or secondary—as well as over the type of administrative apparatus and techniques which should be utilized. 'Expert' theories as to the direction, technology, and speed of development are legion in India. And often the common man, already conflicted between traditional and modernizing motivations, is further confused by incessant public controversy over these issues.

In an evaluation of the Third Five Year Plan in 1964, Shri Tarlok

Singh of the Planning Commission, said:

The mid-term appraisal of the Third Plan brought out the critical role of increase in agricultural production and suggested that the achievement of sustained growth demands a scale and intensity of effort and a quality of implementation for exceeding performance in the past...Unless the basic conflicts are resolved to the satisfaction, not merely of the elite and organized groups, but of *the common man* (emphasis mine), who is bound to judge all policies and plans from the reality of his own living conditions and opportunities and the problems encountered from day to day, there can be no consistent and continuing pattern of development.

This paper seeks to explore some of these theoretical questions more precisely with empirical evidence from a recent study in India of citizen attitudes and contacts with the development bureaucracy. The study was conducted in the Union Territory of Delhi State from January to May, 1964.<sup>1</sup> We drew a sample of 800 adults, 400 from eight of the 256 villages in the rural area and the Union Territory of Delhi, and 400 from its urban Delhi. In drawing the rural sample we stratified the villages by population size and by an objective measure of 'traditionalism' or 'modernization'. The study was carried out by a project staff of the IIPA, who recruited and trained a staff of interviewers, jointly with the Indian Institute of Public Opinion. In addition to the interviews with the public, we drew a sample of about 220 administrators from five agencies or departments which concerned us the most, administrators in close contact with the public—village level workers, panchayat secretaries, block development officers, police constables, postal workers, Delhi Transport Undertaking inspectors, doctors and compounders. This permitted us to study bureaucratic contacts with the public from both the perspective of the administrator and the citizen. The data concerns one sub-system set of interactions only, the bureaucracy and its relations with the public. The data are relevant, however, to all three dilemmas or problems in India outlined about—the integration crisis, the institutional adaptation challenge, and the aspirational or motivational dilemma.

In setting forth our data here we are concerned primarily with five specific theoretical proportions for the developing social and political

<sup>1</sup>The author is tremendously indebted to the Indian Institute of Public Administration Staff, particularly to Dr. V.K.N. Menon, the former Director, and Dr. J.N. Khosla, the present Director, as well as the major collaborators in the project, Dr. A.P. Barnabas and Dr. V. Jagannadham, without their help and that of Dr. Howard Hyde of USAID the study could never have been completed.

system in India. These are:

1. If citizens are to be properly involved in the system and in the achievement of system goals, administrative contacts with the public to be relevant, must be extensive, continuous, and *penetrate* to those sectors of the population most 'traditional', most probably alienated, and most vital for the success of developmental goals.
2. If citizens are to be properly involved in the developing India of today, these administrative contacts if relevant should lead to greater *information* and knowledge, instrumental and substantive, about governmental programmes, policies, plans and goals.
3. If citizens are to be properly involved, these administrative contacts, if relevant, should result in greater citizen *belief* in and support of, governmental actions and programmes. One should not expect, however, that there will be unanimous consensus over goals or means, but rather a consensus by the large majority that programmes exist which are worthwhile, and feasible.
4. If citizens are to be properly involved, these administrative contacts, if relevant, should inspire *confidence* on the part of the public in the integrity, efficiency, and 'bureaucratic style' of officials, leading to a feeling that officials care about the citizenry, treat them fairly, and, thus, that the individual citizen counts in the system, and that his actions are considered meaningful for the system.
5. If citizens are to be properly involved, these administrative contacts if relevant, should tap the realistic aspirations of the common man, appeal to these aspirations, whether strictly utilitarian or idealistic, and motivate the individual to *action* and achievement, which is significant for the citizen as well as for the system.

The goals then must be penetration, information, belief, confidence and action. Our major query here is whether administrative contacts with the common man in India (Delhi State) in 1964 indicate that bureaucratic contacts are functional or dysfunctional in these respects.

#### THE INDEX OF ADMINISTRATIVE CONTACT

We asked our respondents a series of questions about their contacts with administrative officials which permitted us to develop an index of 'administrative contact' for each person in the sample. We primarily focused on the following agencies in our study : community development (rural areas), health, Delhi Transport Undertaking (urban), police, and postal. We asked about the frequency and/or nature of contact by

each respondent with each of these sets of officials, with a maximum score possible of 14. Eleven per cent of our respondents had scores of nine or above, five per cent had zero scores. Two other indices were also developed for the study, one based on 'general communication status' (including newspaper readership, group or association membership, and knowledge of leaders), and a second conceived as 'political leadership contact' (including personal contact with village or local leaders and party leaders). The distributions in these two indices will be presented briefly, but are not employed analytically in this paper. The individual items in the 'administrative contact index', such as frequency of contact with community development officials, as well as the index as a total score, permitted us to classify our respondents in a variety of ways and to analyse the interrelations between type of contact and citizen action.

The basic distributions of our respondents by these three indices as well as their 'total communication score' can be seen from Table 1. From this can be seen that the urban population generally has higher scores than does the rural population. There is one notable and significant exception—that of personalised contact with political and governmental leaders. Almost half of the urban sample have no such contacts while less than 10 per cent of the village population is out of personal touch with all political leaders and officials. This is a significant finding in its own right and relates to our penetration hypothesis referred to above. The average villager in Delhi State has less frequent occasion to see administrative officials. He may also be less involved with newspapers and group associations, than is the urban resident, although his knowledge of local leaders may substitute for his lower level of newspaper readership and group memberships. But he is personally familiar with political and governmental leadership to a greater extent than is urbanite. His overall communication status, therefore, compares very favourably with the urban resident. If we combine our last two categories we could say that in Delhi State less than 10 per cent of the rural population seems isolated, while about 12 per cent of urban residents may be isolated, in terms of their public communicative involvement patterns.

These indices are to some extent interrelated and cumulative but by no means perfectly (*see* Table 2). The individual who has low exposure to mass media and social groups may also be isolated from administrative contacts. But he may also substitute other types of communicative relationships. In the rural area we find that 90 per cent of the sample with low scores in general communication status are also limited in their administrative contacts, but the other 10 per cent did have frequent contacts with administrators. On the other hand 60 per cent of those with a high general communication status had infrequent

administrative contacts. Alternative channels for communication and contact exist, therefore, for the ordinary citizen and these cannot be ignored in any development strategy.

TABLE 1 THE INDICES OF COMMUNICATION STATUS

Categories*			Adminis- trative Contact (Maximum Score=14)	General Communi- cation (Maximum Score=10)	Personaliz- ed Contact with Political and Govern- mental Leaders (Maximum Score=12)	Total Communi- cation Status Score (Maximum Score=36)
Highest Scores	Rural	7.1%		2.9	10.4	6.8
	Urban	15.6		5.8	8.1	7.2
Medium Scores	Rural	59.8		33.2	43.0	84.9
	Urban	68.0		35.3	21.3	80.1
Low Scores	Rural	25.1		53.8	37.7	6.5
	Urban	14.4		29.9	21.6	11.8
Zero Scores	Rural	8.0		10.1	8.9	1.8
	Urban	2.0		29.0	49.0	.9
			100.0	100.0	100.0	100.0

\*The score categories varied, of course, for each index, but were applied consistently for urban and rural populations. The 'highest scores' were as follows: for administrative contact (9 and above), in general communication status (7 and above), for personalized contact with leaders (8 and above), for total communication status score (20 and above).

TABLE 2 RELATION OF GENERAL COMMUNICATION EXPOSURE TO ADMINISTRATIVE CONTACTS (RURAL ONLY)

General Communication Status	Adminis- trative Contact— Rare or Never (Score 2 or less)	Adminis- trative Contact Low (Score 3-6)	Adminis- trative Contact Medium- High (Score 7-8)	Adminis- trative Contact High- Very High (Score 9+)	N
Low (Score 2 or less)	43.3%	46.5	6.5	3.7	215
High (Score 5 or more)	22.2	38.9	19.4	19.4	36

## THE 'PENETRATION' PROBLEM

Seventeen years after independence and after considerable training of the new administrative cadre, particularly in the field of community development, what was the extent to which the ordinary citizen was exposed to the new bureaucracy? Has the 'new administration' established contact with the lower classes and with those living in apparently isolated and 'traditional' villages, or is most of its contact with the upper and proximately urban strata of Indian society? Table 3 presents data relevant to these concerns.

TABLE 3 ADMINISTRATIVE CONTACT STATUS FOR EDUCATIONAL, INCOME AND CASTE GROUPS

	<i>Rural</i>		<i>Urban</i>	
	<i>Admin. Contact Score</i>		<i>Admin. Contact Score</i>	
	<i>Very High &amp; High</i>	<i>Rarely &amp; Never</i>	<i>Very High &amp; High</i>	<i>Rarely &amp; Never</i>
<b>EDUCATION</b>				
Illiterate	11.6	39.1 (207)*	14.3	34.5 (84)*
Primary	34.8	25.7 (66)	22.8	24.1 (79)
Middle	39.7	24.3 (37)	48.2	7.2 (56)
High+	26.9	19.2 (26)	60.0	3.2 (125)
<b>MONTHLY INCOME</b>				
Under 50 Rupees	14.7	33.7 (95)	23.1	23.1 (13)
51—100	17.7	47.9 (96)	21.5	26.6 (79)
102—200	22.4	16.4 (85)	40.7	13.6 (118)
201—300	28.5	38.1 (21)	50.0	7.1 (42)
Over 300	30.4	8.7 (23)	50.0	12.2 (82)
<b>CASTE</b>				
Low	13.9	34.3 (108)	16.3	20.4 (49)
Middle	21.3	33.9 (159)	—	— (9)
High	25.4	31.7 (63)	42.7	13.1 (206)
Brahmin			41.3	6.5 (46)
Harijan			26.3	26.3 (19)
Muslims			5.3	52.6 (19)

\* denotes number of cases.

It reveals first that the higher the social and economic status of the individual the more likely he is to have very frequent contact with administrative officials. Only 10 per cent to 15 per cent of the low castes, illiterates and low income groups in both urban and rural areas report high frequency of contact, while upper income, educational and caste groups are consistently higher. Second, the data show that urban



sub-groups are consistently higher in frequency of administrative contacts. For example, a comparison of the upper educational strata in urban and rural populations indicates a discrepancy of over 30 percentage points; that of upper income groups a discrepancy of 20 percentage points; that of upper caste groups a discrepancy of 17 percentage points. Third, in actuality this results in much greater differentiations among strata, or more disparities in administrative contact, in the city than in the village. In the village the upper castes do not seem to be extremely 'privileged' by having contacts with administrative officials to a greater extent than lower castes—a difference at the 'high' end of the scale of about ten to eleven percentage points. But in urban Delhi there is much more distance between low and high caste groups—26 percentage points. For educational groups this distance seems to be extreme. Finally, it is clear that fully a third of the lower socio-economic strata of the rural population in the area near the nation's capital rarely or never has contact with administrative officials. The record in the city is somewhat better. It is premature to be critical of this finding, pending further data. While on the one hand it is clear that the access of upper social and economic groups to the administrative cadre is much greater and more frequent than that of the low-caste, illiterate, low income population, it also appears that administrative effort has reached downwards into the lower levels of the system to a considerable extent. The Harijans in the urban area, for example, are revealing frequent contacts with administrators and few seem completely isolated. It is clear that considerable 'penetration' has taken place, if one judges penetration by the single criterion of 'contact' alone.

Our study design provided for the selection of eight villages which were classified by objective criteria as probably 'traditional', 'transitional' and 'urbanized-modernized'. A complex variety of 'objective' inductors was used, including occupational pattern, caste character (percentage from scheduled castes), degree of literacy, geographical location, communication facilities, educational institutions, transportation and roads availability, postal facilities, presence of governmental offices, and the like. If we look at the extent of administrative contacts by village type we see that penetration has occurred where one would perhaps least expect it (*see* Table 4). If one compares the three most traditional villages (A, B, and C) with the three most modernized villages (F, G, H) one sees in fact greater exposure to the administrative cadre in the so-called 'traditional' communities. From 25 to 30 per cent in our samples from traditional villages rarely were exposed to administrators, but up to 40 per cent were rarely exposed in the urbanized-modernized communities. Neither mere physical or functional isolation, in a formal classificatory sense, nor 'traditionalism' as determined by social or economic characteristics, therefore, seems

associated with isolation from administrative penetration. Villagers in the most 'isolated' areas do see administrators and interact with them.

TABLE 4 EXTENT OF ADMINISTRATIVE CONTACT 'TRADITIONAL' AND 'MODERN' VILLAGES

<i>Administrative Contact</i>	<i>Most 'Traditional' Villages</i>					<i>Most 'Modernized' Villages</i>			<i>Urban Sample</i>
	A	B	C	D	E	F	G	H	
Very High and High	20.8%	31.3	31.9	13.3	31.7	4.3	8.4	18.3	38.0
Medium	54.2	40.6	38.3	46.7	43.9	54.4	58.4	46.3	45.6
Rare or Never	25.0	28.2	29.8	40.0	24.3	41.3	33.3	35.3	16.4
Never	0.0	6.3	6.4	6.7	4.9	13.0	12.5	7.3	10.1
Number of Cases	24	32	47	30	41	46	48	82	

The same finding emerges if we look exclusively at citizen contacts with community development officials alone. The *relative* extent of contact is high in the most traditional and isolated communities. In our entire rural sample, 67 per cent of the villagers were out of contact with CD officials. But in our most 'traditional' village, 50 per cent of our sample had some exposure to CD officials, compared to 42 per cent for the most 'modernized-urbanized' community. Similarly, all three of the most 'traditional' villages reported a 'high' frequency of contact equal to or surpassing the 26.5 per cent figure for the total rural sample. Although one may feel that this degree of exposure to community development officials is too low for the rural sector—67 per cent did not know CD officials or never saw them—one cannot say that the traditional or isolated communities are discriminated against by the development bureaucracy. Indeed, what evidence we have indicates that they are *relatively* well exposed, among villages, although the exposure of the urban population is greater.

#### KNOWLEDGE OF, BELIEF IN, AND SUPPORT FOR GOVERNMENTAL ACTION

Since public cooperation and involvement in development programmes is so crucial in India, from the standpoint of governmental objectives, the level of information of the public about such programmes is a major focus of any inquiry. Roughly 16 per cent of the urban sample had no significant contacts with administrators, while 33 per cent of the rural sample had no such contacts. One query is whether administrative contact was associated with greater knowledge about such programmes.

TABLE 5 INFORMATIONAL LEVEL BY EXTENT OF ADMINISTRATIVE CONTACT (RURAL SAMPLE)

Informational Item	Administrative Contact Score					
	Very High	High	Average	Occasional	Rare	Never
1. No knowledge of Community Development Programme	29.2%	29.3	48.4	63.2	66.7	80.8
2. No knowledge of ways govt. is trying to improve agricultural production	4.2	7.3	21.3	36.8	38.4	44.4
3. What does govt. want you to do in agricultural programme? <i>Don't know*</i>	5.0	17.7	19.6	30.4	44.0	47.1
4. No knowledge of health services.	8.7	4.9	9.8	23.4	22.4	48.0
5. Does not know where family planning centre is	43.3	61.0	67.7	82.1	90.6	96.3
6. No opinion on what to do if R has a problem involving administrative agencies or officials	0.0	0.0	4.8	7.3	3.5	18.5
Proportion of Sample	7.1	12.2	18.7	28.8	25.1	8.0

\*Farmers only.

NOTE : Each percentage should be read as a proportion of those in each administrative contact category. For example, 29.2 per cent of those with 'very high' administrative contact had no knowledge of the CD programme, etc.

We used a variety of approaches to test the respondent's knowledge of governmental activities, services and goals; only a few of which can be presented here. In Table 5 the extent of ignorance about governmental programmes and administrative services is illustrated for the rural sample. It is obvious that administrative contact is related to much greater knowledge about specific services and programmes, and is related to a better understanding of governmental expectations concerning citizen action. Those with below average frequencies of bureaucratic contact (over 60 per cent of the rural sample are extremely and consistently ignorant of what the community development programme is (from 60 to 80 per cent have no idea about its nature and aims). On more specific question concerning agriculture and the

health programmes the ignorance is less apparent, generally, but still considerable. One-fifth to one-half of those with infrequent contact have specific knowledge of the health services, for example.

The importance of general administrative contact whether or not there has been exposure to the community development bureaucracy, is demonstrated in Table 6. For those villages who had limited contact with administrative officials generally, exposure to the CD bureaucracy significantly reduced ignorance about the aims and expectations of the CD programme. But among those with a generally high level of administrative contact, the absence of contact with CD officials was not important. In fact, such contact with CD officials may be related to increased ignorance. Respondents with the better overall administrative contact scores were consistently better informed on all three informational items.

TABLE 6 RELATIVE IMPACT ON KNOWLEDGE OF GOVERNMENTAL PROGRAMMES OF GENERAL ADMINISTRATIVE CONTACT AND CONTACT WITH COMMUNITY DEVELOPMENT OFFICIALS (RURAL)

Information Item	Highest Admin. Contact Scores		Medium Admin. Contact Scores		Admin. Contact— Rare	Admin. Contact— Never
	High CD Contact Scores	Low CD Contact Scores	High CD Contact Scores	Low CD Contact Scores		
1. No knowledge of CD programme	33.3%	23.1	34.5	62.5	66.7	80.8
2. No knowledge of ways govt. is trying to improve agricultural production	7.7	3.8	17.2	34.7	38.4	44.4
3. No knowledge of what govt. wants R to do in agricultural programme	11.8	13.6	20.8	26.9	44.0	47.1
N=	39	26	29	131	85	27

In urban Delhi the extent of ignorance about governmental services is extremely high for those who have not had administrative contacts. The illustrative items in Table 7 suggest that in the vital area of health services over 60 per cent of the 'isolated' are completely ignorant. Even among those with a high administrative contact score lack of knowledge of health services is widespread—from 30 to 50 per cent have no specific knowledge. If one compares the rural and urban distributions, one notices that there are differential patterns of ignorance. The rural population is very much better informed about specific health services—at least a third of the rural population

is more knowledgeable (This is not true however, so far as knowledge of the Family Planning Centre is concerned). The urban population, furthermore, is much less knowledgeable as to how to process problems with administrative officials. The citizen-official relationship in the village has apparently educated villagers on how to seek administrative action.

TABLE 7 LEVEL OF INFORMATION BY FREQUENCY OF ADMINISTRATIVE CONTACT (URBAN)

Information Item	Administrative Contact Score				
	Very High	High	Average	Occasional	Rare or Never
1. No knowledge of health services	46.9%	61.8	63.1	61.1	87.5
2. Does not know where Family Planning Centre is	31.5	51.3	54.1	78.1	80.7
3. No opinion of what to do if R has a problem involving administrative agencies or officials	13.0	12.8	18.8	34.4	43.9
N=	54	78	85	73	57
Proportion of Sample	15.6	22.5	24.5	21.0	16.4

What is the impact of administrative contact for illiterates as compared to literates, a question of no little significance in a country with 75-80 per cent illiteracy? The evidence is mixed, but generally administrative contact seems to be a factor reducing ignorance of governmental services in urban Delhi, among both literates and illiterates. Thus, among illiterates not exposed to administrative services 86 per cent are ignorant of health services, while only 53 per cent are ignorant if in frequent contact with administrators; the comparable figures for literates are 89 per cent and 60 per cent. It is a curious and significant finding that illiterates in all administrative contact categories are slightly better informed than literates on this particular item concerning the health services. On the other measures of knowledge, however, this is not so. Illiterates are extremely uninformed and uncertain about specific administrative services and about procedures for contacting administrative officials. On this latter point, those with an education, who have also had frequent contact with officials are well-informed on how to process grievances and problems through the administrative hierarchy. Getting an education in

India does not, in short, seem to be very functional by itself to knowledge about governmental programmes. Experience with the administrative apparatus seems more functional, for certain types of information, though among illiterates with such contacts considerable ignorance of administrative procedures and services persists (see Table 8).

TABLE 8 THE INFLUENCE OF LITERACY ON LEVEL OF INFORMATION ABOUT GOVERNMENTAL SERVICES (URBAN)

Information Item	Administrative Contact Score			
	Very High, Literates	High and Aver. Illiterates	Occasional Literates	Occasional Illiterates
1. No knowledge of Health Services	60.3	53.3	64.6	54.2
2. Does not know where Family Planning Centre is	43.3	83.3	72.9	91.6
3. No opinion of what to do if R has a problem involving administrative agencies or officials	9.5	53.3	26.5	50.0
N=	179	30	48	24

	Administrative Contact Score Rare or Never	
	Literates	Illiterates
1.	88.9	86.2
2.	77.8	86.2
3.	33.3	60.0
N=	27	29

When one examines the degree of support for governmental officials and programmes in India (Delhi State), there are striking differences for urban and rural populations, as well as for illiterates and those with considerable education. When asked what kind of a job the central government is doing, less than 40 per cent of the urban population say it is doing a good or very good job, while about 55 per cent of the rural population is supportive. The urban disapproval is widespread among all educational classes; the rural disapproval is highest among illiterates (only 4 per cent approving). When asked to evaluate the job of a specific set of officials, as health officials, roughly the same differences appear, although the support is from five to ten percentage points higher. The rural population, and its educational sub-groups, is consistently more supportive, but large segments of the population, especially among the lower status groups are very critical of the central government and its programmes.



The impact of administrative contact on these support levels can be seen from Table 9. In rural areas those who are frequent interactors with the bureaucracy have extremely favourable attitudes toward governmental officials, local and central, as well as highly approve the health and community development programmes. Those out of touch with the bureaucracy are much less supportive. Less than 40 per cent of those who are 'isolated' say the central governmental officials are doing a good or very good job, under 60 per cent feel the community development programme is worthwhile, and 50 per cent or less feel that CD officials are doing a good job. Health programmes are supported by overwhelming majorities in both urban and rural areas. But urban residents are very critical of government officials, local and central, and contact with these officials does not contribute to a greater approval for the job they are performing. Administrative contact, thus, seems much more functional to the development of supportive attitudes in rural than in urban areas.

TABLE 9 THE ROLE OF ADMINISTRATIVE CONTACT IN DEVELOPING BELIEF IN, AND SUPPORT FOR, GOVERNMENTAL PROGRAMMES

	<i>Administrative Contact Score</i>					
	<i>Very High</i>	<i>High</i>	<i>Average</i>	<i>Occasional</i>	<i>Rare</i>	<i>Never</i>
<i>Rural</i>						
Believe govt. officials are doing a good/very good job						
—village officials	87.5	78.0	74.6	63.9	57.6	48.2
—central govt. officials	88.5	51.2	66.7	47.4	54.3	38.5
Believe health services should be provided by the govt.	100.0	100.0	98.4	94.8	94.1	85.2
Believe Community Development Programme is worthwhile	100.0	97.6	66.1	63.0	59.5	51.9
Believe CD officials doing a good job	87.5	82.9	58.7	50.0	51.8	44.4
—not a good job	2.5	4.7	22.3	26.6	19.3	11.2
—no opinion	0.0	2.4	19.0	23.4	28.9	44.4
<i>Urban</i>						
Believe govt. officials are doing a good/very good job					<i>Rare and Never</i>	
—municipal (Delhi)	16.7	34.6	22.3	30.1	22.8	
—central govt.	29.6	43.6	40.0	45.2	21.5	
Believe health services should be provided by govt.	98.1	89.8	96.4	89.0	80.7	

## PUBLIC CONFIDENCE IN THE BUREAUCRACY

A general theoretical concern in any society is the nature and extent of the public's belief that administrators are, as Morris Janowitz has put it, 'principle-minded', that is guided by an interest in, as well as observing rules providing for, impartiality and public service.<sup>2</sup> Can the citizen expect fair treatment from officials, or is 'political pull' indispensable? In addition, does the citizen feel he can act alone in approaching administrators or does he need help? Finally, is there any effective redress if one feels that officials are not doing their jobs properly? Expectations of impartiality, realistic calculations as to how to approach administrators, and feelings of optimism concerning the efficacy of interactions with administrators all are important components of the confidence perspectives in citizen-official relationships. Data on such components will tell us a great deal about the general problem of public citizen perceptions of authority as well as indicate for India what the potential is for citizen cooperation with development plans.

The general pattern of responses to questions we asked in the Delhi study in this substantive area revealed a pattern somewhat similar to those found in Detroit by Janowitz. For example, on the question of whether 'political pull' is important in "whether the government will help a private citizen", the distributions for Detroit in 1954 and Delhi in 1964 were as follows:

	<i>Detroit</i>	<i>Delhi urban</i>	<i>Delhi rural</i>
Yes, it plays an important part	41%	54	70
Yes, it plays some part	28	6	5
Depends	4	3	2
No	15	7	11

On the question "if you had a problem to take up with a government bureau, would you do it yourself or do you think you would be better off if you got the help of some person or organisation?" The following distributions were found:

	<i>Detroit</i>	<i>Delhi urban</i>	<i>Delhi rural</i>
Would do it himself	16%	25	23
Would get help	67	50	64

<sup>2</sup>See Morris Janowitz, et al., *Public Administration and the Public Perspectives Toward Movement in a Metropolitan Community*, Ann Arisu, Michigan, Bureau of Movement, University of Michigan, 1958.

What we were particularly interested in the Indian study was the extent to which administrative contact was related to these confidence perspectives. Table 10 presents the data.

The relatively high confidence in both administrative behaviour and in the capacity of the citizen to act effectively in contacts with administrators is noticeable in the response patterns of the rural sample. But the peasant's perspectives appear to be somewhat inconsistent, if not naive. For he feels that officials, are impartial, but that 'political pull' is also important, and despite this he is more likely to attempt direct contact with administrators than is his much more cynical urban counterpart. The urban resident doubts the fair-mindedness of administrators and also has less self-confidence in dealing with them. These differentials are consistent for most of these administrative contact score categories.

TABLE 10 THE RELEVANCE OF ADMINISTRATIVE CONTACT FOR CITIZEN CONFIDENCE IN THE POLITICAL SYSTEM

		<i>Administrative Contact Score</i>					
		<i>Very High</i>	<i>High</i>	<i>Average</i>	<i>Occasional</i>	<i>Rare</i>	<i>Never</i>
<i>Rural</i>							
Officials treat all citizens fairly	65.2%	58.5	59.7	57.7	58.8	48.0	
Citizens can act if officials are not doing their jobs properly	83.3	78.0	69.4	57.3	44.7	33.3	
Would act by themselves if have a problem with the govt.	41.7	24.4	30.2	18.8	18.8	18.5	
Political pull is important in dealing with administrators	79.2	80.5	79.4	79.2	69.4	55.6	
<i>Urban</i>						<i>Rare or Never</i>	
Officials treat all citizens fairly	44.4	35.9	35.7	41.7	32.7		
Citizens can act if officials are not doing their jobs properly	71.7	59.2	54.8	63.1	63.2		
Would act themselves if have a problem with the govt.	29.6	32.1	21.2	26.0	15.8		
Political pull is important in dealings with administrators	64.8	67.9	70.6	43.8	47.4		

Does increased contact with administrators seem related to greater confidence in the bureaucracy? Yes and no. Those with 'very high' contact scores emphasize the role of 'political pull' much more than the 'isolates'—a 23 percentage point differential in the rural sector, and a 17 percentage point differential in the urban sector. But there is also an increase in the proportion who feel optimistic about the success of citizen contacts with administrators, either in initiating actions or in reprisals. The data are not completely consistent on this matter for the urban sample but point in that direction. It seems then that although there may be some rural naivete, and considerable distrust of administrative impartiality and responsiveness to public demands (although probably no more so than in the United States), exposure to the bureaucracy in India brings with it a certain realism as to how administrative decisions are made.

In addition, among those with high contact scores there is a feeling that the citizen *can* act. On the question what would you do if you have a problem with the government, 44 per cent of those with no contact with officials in urban Delhi had 'no opinion', while only 13 per cent of those with 'high' contact scores were at a loss as to how to approach such officials. In the rural sample there was more self-confidence, but whereas *none* of the respondents in the 'high' contact categories had 'no opinion' as to how to proceed, 20 per cent of those isolated from the bureaucracy had 'no opinion' on action alternatives. Administrative contact, then, may be functional to the achievement of greater 'realism' about administrative behaviour and greater self-confidence in dealings with administrators.

#### ACTION ORIENTATIONS RELEVANT TO COMMUNITY DEVELOPMENT

In our study we asked a long series of questions seeking to discover in detail how the farmer was working his farm, what changes he had introduced in recent years in the use of seeds, fertilizers, insecticides, in cropping patterns, marketing methods, and the like. In addition we attempted to discover the nature of his financial and standard of living aspirations for himself and his family and whether he felt he could or would participate in the government's programmes to increase agricultural production. This brings us to the heart of the question of the relevance of bureaucratic effort for economic and social change in India. In short, we were interested in discovering what the role of the community development bureaucracy was in moving farmers to cooperate with the Five Year Plans' objectives in the agricultural sector. We can present only a few of the relevant findings here, but they are highly suggestive (see Table 11).

As our previous report indicated the farmers in our study were highly motivated to improve their economic status. The overwhelming majority of them had aspirations to improve their lot and were convinced that the proposals of the government would indeed assist them to improve their standard of living. As Table 11 reveals the evidence does not suggest that contact with administrative officials, generally, or specifically in the CD bureaucracy was instrumental to that end. True, 77 per cent of those with 'high' contact scores felt their standard of living would increase, but 71 per cent of those rarely in contact with officials had the same conviction. The same finding is true if one looks at exposure to the CD bureaucracy alone. But the striking finding is that *action*, as contrasted to aspirational *conviction*, differs markedly for those farmers exposed to administrative officials. Whereas 70 per cent or more of those with high contact scores *did* change their methods of farming, only one-fourth to one-third of those isolated from contact with administrators took action to improve their methods of farming. This is a significant difference and consistent as one moves from high to low contact with the bureaucracy. A much more detailed analysis

TABLE 11 THE RELATIONSHIP OF ADMINISTRATIVE CONTACT TO SELF-INTEREST ASPIRATIONS AND POSITIVE ACTIONS IN THE AGRICULTURAL SPHERE

(Rural Sample—Farmers Only)

*General Administrative Contact Score*

	<i>Very High and High</i>	<i>Average</i>	<i>Occasional</i>	<i>Rare</i>	<i>Never</i>
Feel standard of living would improve if followed the advice of the govt. in agricultural sphere	77.2%	64.6	56.2	71.0	55.0
Have changed ways of farming in the past five years	70.2	56.3	34.3	39.1	25.0

*Contact with Community Development Officials*

	<i>Very High</i>	<i>Moderate</i>	<i>Low</i>	<i>None</i>
Feel standard of living would improve if followed the advice of the govt. in agricultural sphere	76.4	81.0	55.6	60.6
Have changed ways of farming in the past five years	83.0	66.7	33.3	32.0

is necessary to test the relevance of other variables. But the suggestion is strong that bureaucratic efforts were functional for translating aspiration, belief or conviction into positive action.

In this very preliminary and exploratory effort we have sought to examine the extent to which 'new bureaucracy' in India has penetrated into those citizen sectors in India which are most critical for development, most probably passive, and most potentially alienated or alienatable. Further, we have examined the relevance of administrative effort for increased knowledge about governmental programmes, increased belief in and support for those programmes, increased confidence in the citizen's capacity to cope with officials, and positive action to implement these programmes. On balance the data suggest that there has indeed been 'pay off' from administrative effort. Where citizens have been in contact with officials, particularly in rural areas, the experience seems to have been functional to citizen involvement in the system. This is not to say that the behaviour of community development officials specifically, or the behaviour of other administrative cadres, has been completely successful in India. As reported previously, many citizens are as yet completely isolated, and many citizens in contact with Indian officials have deep suspicions, basic dissatisfactions, and uncooperative attitudes. Nevertheless there is evidence that the bureaucracy is having and can play an important role. These data are not significant only from the standpoint of achieving economic or social goals. They have important implications for the eventual development of integrative citizen perspectives, for identification of the citizen with the larger collectivity of 'the state', and for the involvement of the citizen in the 'modern' bureaucratic apparatus of India which is so essential if national unity is to be achieved and, on the other hand, if bureaucrats are to act responsively. □



# Administration and the Citizen\*

V. Jagannadham

ADMINISTRATION AND the citizen is a subject of interest because the traditional theories of cooperation between the two are not quite adequate to throw light on the changing pattern of relations emerging in the welfare/socialist states. As far back as Aristotle, the role of each is described as practical wisdom and public information respectively. The operationalization of these two over centuries has been undergoing changes. Whatever is the form of government, monarchy, oligarchy or democracy, those in authority would be anxious to continue as rulers by paying some heed to public needs and reactions. In a democracy, the administration-citizen relations are significant because the support and consent of the governed is a prerequisite for the sustenance of representative government. More than this, in a welfare/socialist state, besides police, revenue and defence, the new functions of the state include production and distribution of goods and services as well as promotion of well-being through assistance in cash or kind. These functions also involve new tasks, like conflict-management, counselling individual citizens through case work, or mobilizing them for collective action through community organization or changing their manners and customs through extension education. These new tasks require the cooperation and participation of a new kind and of wider extent by the citizens. The traditional theories of relationship between the state and society or government and the citizen, either of *laissez faire* or *ma-bapism*, are inadequate to explain and to cope with the new dimensions of administration-citizen relationships.

By about the end of the last century, the relationship between law and public opinion in a democracy was discussed by A.V. Dicey.<sup>1</sup> In the first half of this century, some studies were made of citizen and officials.<sup>2</sup> The importance of the subject grew sharply after World

\*From *Indian Journal of Public Administration*, Vol. XVII, No. 3, 1971, pp. 601-16

<sup>1</sup>A.V. Dicey, *Lectures on the Relation between Law and Public Opinion in England During the Nineteenth Century*, London, Macmillan, 1948 (2nd edn).

<sup>2</sup>Herman Finer, "Officials and the Public", *Public Administration*, Vol. IX, Jan.-Oct., 1931, pp. 23-34; and G.H. Stuart-Bunning, "The Personal Relations of Officials with the Public", *Public Administration*, Vol. IX, Jan.-Oct., 1931, pp. 36-40.

War II, thanks to the growth of welfare/socialist ideologies in the new states. In the old states too, the problem is assuming importance for a different reason. People in affluent societies are growing less concerned about the old concept of liberty than a love of material comfort and pleasure. The focus of relationship between state and society has shifted from political liberty to economic prosperity and social justice. Political liberty is more or less taken for granted in the old liberal democracies but in others the same old concern about it is not there. The state has expanded its political base through universal adult franchise. Administration has, therefore, of necessity penetrated into every aspect of civic life. The bulk of the citizens who are voters and beneficiaries of state services are more keen to get services supplied than the subtle aspects of how they get them.

That administration is culture bound and that public administration, therefore, could not be at a higher level than the administration in other sectors or institutions in the society; that administrators are citizens drawn from the same cluster or members in society and that they cannot, therefore, be different from the average citizen except to the extent to which their organizational rules and conventions as well as personal training and supervision enable them to act differently. These two views are often heard. These views deserve to be critically examined.

Two features distinguish public from other sectors of administration: firstly, public administration is the arm of the state which has exclusive right to enact laws and enforce them with the force of the state behind it. Secondly, other sectors of administration are subject to regulation by government administration and, therefore, public administration could not equate itself with standards in other spheres. It should set and follow higher standards of efficiency and integrity as well as courtesy and consideration for citizens. State is society organized for and through law and as such it is the trustee of organised collective action for the welfare of the society. Citizens, therefore, expect public administration sub-culture to rise above the normal patterns of management in commerce and industry. It should act as an umpire in conflict situations; as an enlightened entrepreneur in production sectors and as a liberal philanthropist in promotional activities. [The equation with other sub-cultures and the identification of common culture as the source of all sub-cultures could not be pleaded as an alibi for deficiencies in public administration and much less in its relations with citizens.]

However, so far, in the field of public administration science, the emphasis has been more on the study of 'administration' than on the 'public's' relations with administration. Organizational and procedural efficiency, personnel cadres and promotion prospects, equipment and comfort for administrators, primacy of interests of state as against citizens have largely influenced the theory and practice of administration.

Partly, the prevailing phenomena of 'red tape' or delays, discourtesy and dishonest practices in administration may be attributed to the neglect of its human aspects. This is one side of the picture. On the other side, the enormous volume and variety of activities undertaken by the governments at different levels in production, in public utility undertakings and in social services and welfare matters, have introduced new complexities and technicalities unfamiliar and irritating to the public. Most of these changes are introduced in haste and the public have not been educated about their relevance or justification. Several of the new rules might own their origin to old ideas and institutions. In the economic sector, scarcity of resources and foreign exchange has necessitated the introduction of controls, licences, etc. These are multiplying and with these irritation, harassment and corruption are also increasing. Along with these controls, two features, are emerging into prominence. Pressure groups and political parties seem to be gaining influence as against individual citizens. Further, the role of intermediaries as contact persons or as file-pushers is also coming into vogue. The common feeling is that without influence or pressure nothing could be got done in government.

Society is also passing through a period of transition, tension and turmoil due to external and internal forces, such as ideological or class-conflicts, rapid pace of social change, the spiralling prices and increasing scarcities. Social instability is also a cause of citizen's unhappiness with administration because, easily, one could attribute one's failure to the octopus of inept administration. The revolution in expectations unmet by the available goods and services is causing frustration among different groups of citizens, particularly among the urban youth and among industrial and white collar workers. The frustration is manifesting itself in violent demonstrations which, in turn, is dealt with by counter-violence by government. Violence countered by violence is another source of tense relations with the 'establishment' among literate awakened citizens. The demands on the management of such conflict situations by government, though not new, are unprecedented.

The background in which administration and the citizens currently operate makes it necessary to modify the old concepts of state versus citizens or authority versus liberty, as the framework of citizen administration relationships. No longer do we find these 'contra' concepts meaningful because the scientific-technological culture, industrial urban economy and the welfare/socialist state ideologies forebode expansion rather than contraction in bureaucracy. To the pervasiveness must be added the technicalities and complexities in law and administration as well as the ignorance and inertia of citizens. These are reinforced by distance between the two; by alienation and by mutual recrimination. Distance, alienation, etc., persist notwithstanding decentralization,

formal association of citizens in advisory committees and in spite of attempts at promoting mutual understanding. The concept of citizens as sovereigns looks hollow in the face of the phenomena of 'bureaucratic dominance' and bureaucratic behaviour as ruling servants.<sup>3</sup> The problem in administration-citizen relationship is simultaneously to curtail the 'despotism' of administration and to combat the indifference and hostility of the citizens. In future, state and society have to forge a new equilibrium between bureaucracy and citizen in the new conditions of economy and culture. What could be the frame of approach to evolve a new balance between administration and citizen?

The main objectives of administration should be stated in operational terms of promoting citizen satisfaction. Just as in economics, the concept of consumer satisfaction governs production and distribution, so also in public administration the concept of 'citizen satisfaction' should be regarded as the critical factor for determining the acceptability or legitimacy of the government. Implicitly, this has always been the case, particularly in representative democracies with plural parties competing for power. But parties, like trusts and cartels in the economic sector, have a tendency to become aggressive and monopolistic as well as manipulative of citizen attitudes. It is becoming increasingly important for mobilizing the willing cooperation of citizens to survive and grow in the competitive world economy and society. The concept of 'citizen satisfaction' requires greater concretization in institutional and operational terms than is implied in the concept of consent of the governed<sup>4</sup> or citizens as sovereigns.

This has not so far happened in the science of public administration because administration is circular and diffused in process, fragmented in character and highly abstract and imperceptible for control. Moreover, administration is hierarchical and publics are plural. Which administration and which citizen are we having in mind when we speak of administration and citizen is not always specific. Further, different citizens get into touch with administration at different levels, such as the secretariat, the directorate and the 'cutting-edge' or counter levels. The bulk of the citizens come into contact with civil servants at the bottom, such as the policeman or a postal clerk or a bill collector. Both citizens and civil servants at this level are inarticulate and uninfluential. For those dealing at higher levels, the difficulties are softened

<sup>3</sup>Paul H. Appleby, *Citizens as Sovereigns*, Syracuse University Press, 1962; and W.A. Robson, *The Governors and the Governed*, London, Allen & Unwin, 1964.

<sup>4</sup>Brian Lapping and Radice Giles (eds.), *More Power to the People: Young Fabian Essays on Democracy in Britain*, London, Longmans, 1968; and John C. Livingston and Robert G. Thompson, *The Consent of the Governed*, New York, Macmillan, 1971 (3rd edn.)

by contacts in clubs or through other influential ways, but at the bottom, helplessness breeds frustration. The problem of 'citizen dissatisfaction' as well as 'civil servants' point of view at the lower levels goes unrepresented and unattended to. The forums of legislatures (during 'question hours' and debates, committees on petitions, etc.) no doubt exist but they too concern themselves with broader issues than particular instances. Ventilation through press has limited appeal because civil servants are 'neutral, impersonal and impartial' and responsibility could not be fixed on any particular person for shortfalls or failures or deficiencies or misdemeanours. Limitations like these make it necessary to concretize and operationalize the objective of 'citizen satisfaction' and the administrative processes affecting this objective.

Three fields could be mentioned in this context: firstly, the proneness for cooperativeness between the administration and the citizen; secondly, the active association and participation of citizens in administration; and thirdly, the channels for articulation and redressal of citizens' grievances and the degree of citizens' confidence in their functioning fairly and speedily. These three could be regarded as reliable indicators; if these are taken care of, they may secure sound relationship between administration and the citizen. If these could be adequately safeguarded from the standpoint of the objective stated above, we could concretize the subject.

### PROPENSITY FOR MUTUAL COOPERATION

The term cooperation implies a two-sided readiness to work together with mutual trust and understanding. It implies administrative responsiveness to the needs and demands of citizens as well as citizens' knowledge and sympathy with the administrative system's functioning and the limitations under which the individual administrators work. Callousness, aloofness, haughtiness, suspicion and resentment of administrators towards citizens' requests and demands are misplaced any time, anywhere, but more so in the emerging culture of the democracy as much as the ignorance, indifference, reluctance, fear and recrimination by citizens. The proneness for cooperativeness is reflected in what are called 'convergent' attitudes and actions of citizens—i.e., where citizens support government's policies and programmes. Citizens may differ from them but they should not disrupt administration by 'divergent' actions, such as violent demonstrations, destruction of public property, etc. Differences could be and are often settled by constitutional means and over a period of time differences get sorted out and ironed among communities committed to democratic behaviour. Social scientists could develop indicators of 'convergence' and 'divergence' as well as the middle range phenomenon of a parallel continuum of both in which

citizens may support some aspects of an administrator's policy and programme but show dissatisfaction with other aspects. This could be styled 'critical cooperation' which indeed is a healthy sign of a vital and effective democracy. Democracies with irreconcilable minorities bent upon violently disrupting the structure and operation of administration are a contradiction.

The propensity to cooperate or otherwise could, in institutional and interaction terms, be measured. For example, in revenue administration, the tax-laws and their evasion could be an indicator. In the sphere of production, the labour-management relations and the industrial unrest could serve as examples. In the social services/welfare sector, the rate of investment, and the utilization rate as well as the attitudes of citizens towards the personnel providing the services could form the base for study.

#### ACTIVE ASSOCIATION AND PARTICIPATION

Citizen association with and participation in administration is much desired but little achieved. Certain ambivalent ideas and institutional mechanisms produce a make-believe atmosphere about this aspect. The traditional democracies operate with conventional ideas, like free and fair elections, multiple parties, and elected legislatures as effective forums for discussion, consultation through and criticism of advisory bodies or *ad hoc* commissions, free press, freedom for organizations and associations, etc. These are a necessary infrastructure and serve a useful purpose. But the new culture demands something more and better than associating vocal citizens with advisory committees to represent the interest groups or the beneficiaries viewpoint. Participation in the political process of voting and representation in the legislatures and in the cabinets is a preliminary process and a good index of political maturity. But like the profit motive in the field of commerce, the lure for office robs the political process of disinterested participation in civic affairs. Defeated or displeased political leaders may cause more havoc to democratic processes than indifferent citizens. Moreover, in all democracies, the elected ministers constituting the apex of the administrative pyramid and having an effective role in the two-way channel of promoting mutual understanding between administration and citizens often fail to do so because elected executives may either degenerate into vocal mouthpieces of the permanent establishment or become severe saboteurs of administration from inside. In either case, it is a disservice.

However, two trends are manifest in the citizen association-participation syndrome in administration. On one side, participation by individual citizens, enlightened or otherwise, is giving way to domi-



nation by special interest groups or members of political parties. By itself, this substitution is a logical consequence of the mass society becoming more functionally specialized and more politically mature but in effect, the average citizen feels submerged in or rendered helpless by the big organizations. On the other side, new links are formed between the interested associations and the corresponding departments in governments whereby the administration yields to the big bosses among the pressure groups, sometimes ignoring 'public interest'. The administration occasionally uses the top brass in the interest organization to put across the department's point of view as the considered view of the professional or specialized group for sale to the decision-makers in the competition for a place in the top priorities of government allocations.

In other words, we see distortions in the traditional channels of participation. Old assumptions and veneration for old institutions are blocking the administrative system from adapting itself to the new demands. This may be illustrated from the traditional ideas about decentralization as an effective instrument of citizen association and participation in administration. The concept of decentralization has a universal validity. However, a process of recentralization sets in actual practice under the new facilities for speedy travel, quick communication through telephone and telex messages between the headquarters and the field. Emerging financial mobilization-distribution patterns also promote the dependence of decentralized units on the higher levels of organizations—political or administrative. In effect, decentralization is a political formality and recentralization is an administrative reality. These realities explain some of the frustrations manifested in the bulging 'divergent' trends. Under these circumstances, where do we look for new patterns for promoting association-participation motivation among citizens?

Certain old traditions, like mystification and secretiveness in administration, intended to create a sense of awe among citizens about authority and to bolster up the prestige of administrators, are no longer as relevant as before. Prestige of administration deserves sustenance but not by making the corridors of secretariat catacombs for common citizens. The fear of secretariat corridors being flooded by common citizens with undue requests has no justification if administration is principle-minded, fair and impartial in its dealings with common citizens. When these desired qualities are wanting in administration, status symbols and procedural hurdles could not lend support to sustain the prestige for the administrative edifice. They tend to erode the substantive aspects of authority in the service of public in the administrative sub-culture. Under these circumstances, the derisive attitude of the youth towards 'establishment' and the recrimination of adminis-



trators by citizens become common. Many examples of feudalism in administration hampering its adaptation to the new culture could be cited, but one is enough to indicate the direction of change.

#### GRIEVANCE REDRESSAL

The increasing activities of government and the penetration of bureaucracy into remote areas of the country enhance the scope for grievances to multiply. Along with the increase in the breadth and depth of governmental activities, much change has not taken place in the traditional attitudes of civil servants and methods of communication of the government with the public. Extension methods in the development programmes constitute desirable departure from the past but unfortunately the extension officers also, by and large, tend to become bureaucratized. Further, the thin spread of limited resources on a variety of programmes in vast areas has roused expectations without any prospect of providing satisfaction. Consequently, complaints and grievances of the people, both with the quality, and adequacy of services, are galore.

Complaints and grievances are not confined to the citizens outside government. These are also mounting among the civil servants within the administration in regard to service conditions, promotions, etc. The complaints of the people in and out of government tend to undermine confidence in government as regards fair-play and its competence to manage tensions arising out of developmental activities and expanding bureaucracy. The internal staff relations within the government leave much to be desired; without a change in this area, the growth of trade unionism among and strikes by civil servants become more common.

#### SOME TRENDS OF ACTION

✓ Governments, being aware of these emerging strains in bureaucracy, have attempted to deal with them through investigations by committees and commissions, establishment of directorates of public grievances with a view to supplementing the prevailing methods of handling complaints and grievances. To deal with the public from a positive side by educating and informing the public, directorates of public relations have been established. The mass media of communication, such as radio, press, films, television, etc., are also pressed into service for keeping the public informed. A bill is pending in the parliament to create Ombudsman-type institution in India called lokpal and lokayukta.

While these are welcome additions to administrators' approach to

handle public complaints and grievances, their effectiveness is in doubt. The need for preventing or minimizing the scope for complaints could never be over emphasized; complaints could also be anticipated due to the bludgeoning of administrative activities and personnel and appropriate machinery could be evolved and sustained to handle them.

What, however, one finds in the grievance-redressal approach is optimism at the start and pessimism during the functioning of the newly established directorates of public grievances. Within a short time of establishment, some states have abolished them. Moreover, the mechanisms created to handle them, such as staff councils in the secretariat, and joint councils of management in industries have not been yielding encouraging results. These experiences create skepticism in the competence of the administrative system to adapt itself to the changing needs and conditions in a sustained manner.

Three areas have been identified and elaborated above as forming the appropriate subject-matter for studying administration-citizen relations. These are: (1) propensity for cooperation, (2) association with and participation in administration, and (3) complaint and grievance redressal. The first is a characteristic of state-social culture and climate. The second is largely institutional, though the actual functioning of these depends upon several inter-personal and sub-cultural characteristics. The third is predominantly administrative insofar as the complaints arise out of a gap between expectations aroused through party promises and government policies and their fulfilment by the administration. At the stage of prevention, the political leaders forming government could, but they normally do not, take care of relating their policies to their capacities in mobilizing resources. The size of the gap between political promise and administrative performance could be indicative of the degree of frustration. The redressal of grievances by administration is handicapped by the increasing volume and by the non-viability of the system and its procedures to handle them. The foregoing discussion of the identified areas and the trends of developments in the country within these areas deserve further study for reinforcing the confidence in the capacity of the political and administrative system to adapt itself to the changing demands of the people on the system.

How do we proceed to face the future in this field of study and action? Vague ideas and inchoate institutions managed by personnel among whom old attitudes and traditions die hard have been governing the field. Time is ripe for a more concrete and systematic approach to the reform of administration as well as education of citizens. This could be suggested after referring to some impressions and ideas on the subject.

IMPRESSIONS AND EVIDENCE<sup>5</sup>

The substance of impressions about the relations between the administration and the citizen could be summed up in the phrase 'mutual blaming'. Political leaders blame administrative leaders about lack of commitment and administrators blame political leaders about their ineptness and interference. Citizens suffer both in a state of helplessness or resort to divergent activities. That administrators are discourteous and disrespectful to the citizens, particularly at the lower level, is an impression that one comes across frequently. There are charges of callousness in the approach of the officials to the needs of the common citizens. Administration, it is said, behaves like a soulless machine. Administrators are accused of being too much pre-occupied with files and treating citizens' requests as cases on files rather than of human beings. The civil servants are also believed to be more keen about furthering their career prospects by satisfying their superiors, even by becoming courtiers than carrying out their duties with devotion, rectitude and impartiality. Many citizens feel that the business of influential persons taken precedence over attending to common citizens' business.

Administrators, on the other hand, complain about the ignorance and indifference among the citizens even in giving correct information. The civil servants complain that expectations of the citizens from the government are high; and that citizens and interest groups come forward with selfish demands for out-of-turn favours which could not be fulfilled except by deviation from rules of business in the government. Many citizens, they feel, demand undeserved favours. They find that the members attendance at the meetings of the consultative committees is infrequent and their interest in the business is peripheral. Further, they feel that most of the criticisms about delays, corruption, etc., are either unfounded or exaggerated. Within the system that prevails in the country and under the prevailing conduct rules of officials the civil servants feel that they are doing their best.

Mutual perceptions or impressions which are unfavourable to both sides arise from a lack of understanding of each other's roles as well as the exasperations caused by expanding activities and regulations of various kinds. Sometimes, the activities and controls are conflicting or inconsistent. They may cut across the interest-satisfaction of citizens—individually or groupwise—and the goals of state, such as stability, solidarity, harmony, justice, etc. Probably, therefore, a more appropriate hypothesis for administration-citizen relationships would be not

<sup>5</sup>IIPA, *Administration and the Citizen* (Proceedings of the Fifth Annual Conference of the Members of the IIPA), New Delhi, Indian Institute of Public Administration, 1961.

to emphasise the normative goals of perfect convergence nor the prevailing normal practices in administration but point out the feasible aspects of reducing the gulf or divergence. The emphasis could be more on the preventive-positive steps of communication, supervision and constitutional methods of conflict-resolution than on the negative, disruptive aspects of dissent and violence by the administration and citizens respectively. Mutual respect, rather than blaming, and constructive approach instead of carping criticism of each other, should mark the endeavours on both sides in improving the system and the sub-culture.

Keeping these ideas in mind, we made a study of the citizen and the administrator in a developing democracy<sup>6</sup> in the urban and rural areas in and around Delhi. In this study, we found "that the Indian administrative system has penetrated into the most traditional sectors and areas, that it has been having only a very limited impact on those citizens whose thinking is retrospective and whose socialization to the new order is slow. But citizens involved in the modernization process are responding more and self-confidently, if they see their demands and expectations in the process of realization and if they can tolerate frustrations of the development pace. Where the transition process is beginning, its pace is slow, where demands are not being responded to, and frustration for some is intolerable, then, despite the intervening governmental efforts about 'modernizing' of the personnel attitude, citizens can be critical, cynical and even hostile. . . We found a complex and paradoxical mosaic of support and hostility within the attitudes of Indian citizens towards the administration. Although there is a degree of support and consensus, it is tenuous or mixed with doubt. The support is coupled with latent hostility. Uninformed rural citizens seem to be less critical than the informed and the elites. There is a feeling that as educational level rises, as more information about the system may be demanded and as certain types of contact with certain types of bureaucrats become far more, hostility and criticism may also increase."

These findings, though paradoxical and disturbing, call for new patterns of administrative behaviour and new techniques of socialization. In another study made by us of a single department in a metropolitan corporation<sup>7</sup>, we found that the citizens are not well informed about rules and regulations because the communication is defective and the language of the communication is dysfunctional. As a result of this, we found opportunities opened up for unscrupulous civil servants, "to harass the citizens either through delays in disposal or through black-

<sup>6</sup>S. J. Eldersveld, V. Jagannadham and A. P. Barnabas, *The Citizen and the Administrator in Developing Democracy*, New Delhi, Indian Institute of Public Administration, 1968. Also published in the U.S.A. by Scott Foresmann, 1968.

<sup>7</sup>V. Jagannadham and N.S. Bakshi, *Citizen and the Municipal Bureaucracy*, New Delhi, Indian Institute of Public Administration, 1971.

mailing them into paying heavy sums for getting them out of offences connected with deviations. . .” The opportunities for harassment seem to be on the increase. We have also found that many of the maladies or malpractices in administration are directly caused by low calibre, poor knowledge and unhealthy attitudes of civil servants who come into direct contact with the people. These characteristics are also hampering proper supervision and enforcement of the rules and regulations.

These impressions and ideas are no doubt part of common knowledge but their ascertainment through systematic surveys is new. Further, these surveys also have helped to identify areas needing attention in the future. Prof. Janowitz and his colleagues have studied the perspectives towards government in a metropolitan community.<sup>8</sup> Four types of perspectives have been emphasized by them as central to their study. They are:

1. *Knowledge*: The public must have an adequate level of knowledge about the operations of the public bureaucracy. Inadequate knowledge facilitates despotic administration, whereas too much knowledge theoretically could deprive an administrative agency of essential autonomy and produce subservient behaviour.
2. *Self-interest*: The public must consider that its self-interest is being served by the public bureaucracy. As a check on the disruptive consequences of self-interested demands on the bureaucracy, the public must be aware simultaneously of the bureaucracy's capacity to act as a neutral and impartial agent in resolving social conflicts.
3. *Principle-mindedness*: The public must be of the general opinion that the public bureaucracy is guided in its action by a set of principles guaranteeing equal and impersonal treatment. Administrative routines, however, must be sufficiently flexible to cope with individual differences in order to insure adequate dealing with clients.
4. *Prestige*: Public perspective toward the public bureaucracy must include adequate prestige value toward public employment as compared with other types of careers. Very low and very high prestige values would interfere with the bureaucracy's ability to operate on the basis of democratic consent. A very low prestige could tend to bring about subservient administration, while extremely high prestige could tend to result in despotic administration.

<sup>8</sup>Morris Janowitz, Deil Wright and William Delany, *Public Administration and the Public: Perspectives Toward Government in a Metropolitan Community*, Ann Arbor, Institute of Public Administration, University of Michigan, 1958.

The first three types correspond to sociologists' categories of cognition, gratification and moral evaluation. The fourth, *i.e.*, prestige, according to them, serves as a summary concept and describes public respect or esteem for bureaucracy and the civil servant.

While the above mentioned study laid stress on public perspective of administration, the IIPA study has supplemented this aspect with administrator's self image as well as his image of the public. Our study includes a self and comparative image of both administrator and citizen. "Implicit in any complete analysis, therefore, a comparison of at least two different levels is required—a comparison of the official's view of his own performance and role with the public's view of that official's performance and role; a comparison of the official's view of the public's view with the public's view or expectations about that role. An additional type of comparison is also useful—the administrator's estimate of what the content of public perspective towards administrators is or is likely by to be, compared to the actual content of the public's perspectives. Since the behaviour of leaders and citizens in any society is based on expectations, understandings, or estimate of the attitudes and behaviour of other actors in the system, this type of analysis may be vital. It may lead us to clues as to the premises, perhaps empirically unsubstantiated, on which action, by both administrators and citizens, rests."

✓ The major components of the citizen-bureaucrat relationship which we consider essential are:

1. adequate citizen and official knowledge of administrative norms, practices, and structure;
2. genuine support for the goals, policies, and programmes of the government;
3. positive evaluations of the job performance of governmental officials;
4. perceptions of the administrative system as sensitive and responsive to the public, rather than inflexible and remote;
5. belief in the integrity and honesty of the administrative cadre, rather than a tendency to view it as corrupt or corruptible;
6. a high prestige status for public employment;
7. perception of administrators as committed to egalitarian goals and practices, rather than to favouritism or political advantage;
8. feelings of efficacy and optimism about citizen action in the political system generally, and in the administrative sub-system particularly; and
9. motivational orientations emphasizing cooperative action with administrative officials in the implementation of developmental goals.

The nine elements include the four mentioned by Prof. Janowitz *et al.*, and a few additions relevant to the Indian context for the effective, functional and democratic administrative system in India. These elements provide the motivation and motorforce for mutual cooperation between the administration and the citizen as well as providing an infrastructure for deriving satisfaction by the citizens. These also keep the relations between the administration and the citizen in a state of mutual trust and confidence notwithstanding a shifting equilibrium appropriate for changing conditions. These components are relevant also from the standpoint of evolving a 'balanced' relationship between the administration and the citizen, *i.e.*, to prevent the dominance or subservience of administration as well as to minimize the ignorance, apathy or helplessness of citizens.

The foregoing framework for a study and understanding of the administration and citizen relations is neither exhaustive of the subject nor comprehensive about the trends. Its purpose is to highlight the significance and implications of the subject. For future guidance and action, some important matters may be mentioned for attention.

In administration, as in other walks of life, traditions die hard and legacies persist notwithstanding their obsolescence. Resistance to change is almost proverbial because law and administration are by definition conservative and they always lag behind times. However, if certain leads are not introduced into the system, it has to face the contingency of being overthrown because the limits of tolerance could not be stretched too far even with Indian people who proverbially are accustomed to tolerate the intolerable.

A top priority item for change in administration is its secretiveness, confidentiality and mystification. This had already been referred to earlier. Except in highly explosive matters of defence, home or external intelligence, in the rest of the departments there is no need to emphasize them. That trust begets trust is nowhere more true than in the relations between the citizen and government in a democracy.

Communication from government to citizen suffers from poverty of imagination, complexity in expression and circumlocution about processes. Many a time, the need for simplification of language and procedures and a directness of approach is emphasized but never successfully implemented.

Association-participation nexus is tenuous and hollow. Political partisanship and administrative convenience override genuine interest in seeking citizen participation. The relations of government with non-governmental organizations testify to the correctness of the above mentioned statement. Formal compliance without earnest and sincere eagerness to encourage genuine participation is easily discovered and people react to it in their own way—most often by violent divergent



articulations. Non-governmental institutions and enterprises are described as equal partners in development but deeds belie the professions. This is a rich area for further exploration and exploitation.

✓The complaint-grievance channels require a thorough overhauling. Anti-corruption bureaux are believed to suffer from corruption. Such belief may not stand the test of proof but in such matters credence and impressions matter more than facts supported by evidence.

The outstanding maladies in administration are delays and diffusion of responsibility. These affect the citizen more than the ineptness in policy-making or inadequacies in planning or of resources. Many suggestions are on files about remedying these maladies but probably due to the absence of a 'will' to improve or due to the lack of resilience in the system, these evils not only persist but they seem to grow with the volume of work and the passage of time. These matters need top-priority attention.

✓Ultimately, the tone and colour of administration-citizen relations are set by the leaders in different walks of life. Citizens become what their leaders make them to be and administration operates under two forces; leaders' direction from above and citizens' understanding and cooperation from below. Administration is a trustee but subject to the watchful eye and the guiding hand of people above, people inside and people below. The emphasis on 'public' and the administrations' relations with it are as important for analysis of bureaucracy as the new techniques for improvement of organizational efficiency. ✓

#### FOR ADDITIONAL READING

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# The Vigilance Set-Up of the Government of India—Some Proposals for Reform\*

Kailash Prakash

THE VIGILANCE set-up of the Government of India consists of the Central Bureau of Investigation (CBI), the Central Vigilance Commission (CVC), and vigilance branches of ministries and departments. The 1950s were a developmental decade in the post-independence era. India got a new constitution and a parliamentary democracy. The two Five Year Plans brought about an all-round progress and development and India moved, though at a slow pace, towards socialism. The government and administration assumed a commanding role in the economic affairs and the industrial development of the country. One could see in the administration some concern for performance, for efficiency, and for results. Nehru provided the country with leadership and inspiration to move forward.

In contrast to the 1950s, 1960s has been a disastrous decade. The two wars with China and Pakistan in 1962 and 1965 arrested the growth and progress of the country and set us on the path of national decline. Political instability coupled with the failure of the Third Plan made India a fertile soil for breeding inefficiency, character assassination and dissipation of national resources and energy. In such an atmosphere, the Santhanam Committee produced in the government greater awareness of the extent of prevalence of corruption in the administration at all levels. Partap Singh Kairon's case in Punjab highlighted the conflict between performance, dynamism and procedural lapses and also *bona fide* and even *mala fide* errors as well as instances of corruption.

The view expressed by Shri S. Dutt, the then Central Vigilance Commissioner, in the Mussoorie Seminar on Vigilance held at the National Academy of Administration by the CVC in 1969 is significant. He said, "there is in the public mind an exaggerated idea about the extent of corruption. I do not think that there is more corruption in the public services in this country than in other countries of the world." But what is significant is that in India atmosphere is generally vitiated

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by corruption, influence, patronage, and abuse of power and widespread inefficiency, whereas in many advanced countries of the world a certain amount of corruption has acted as a spur to efficiency and progress, which has, in fact, made corruption look a bit pale when compared to performance. In contrast, in India, we find corruption or feel the pinch of corruption and still desire to pursue corruption, assuming its predominant role, because there is all-round inefficiency and lack of concern about efficiency. The myth has become greater than the fact of corruption due to general inefficiency.

This is what Gunnar Myrdal in his famous book *Asian Drama* has called "folklore of corruption", i.e., "people's beliefs about corruption and the emotions attached to those beliefs, as disclosed in the public debate and in gossip". As Myrdal has stated, "this folklore has a crucial bearing on how people conduct their private lives and how they view their government's efforts to consolidate the nation and to direct and spur development. The folklore of corruption then becomes in itself damaging, for it can give an exaggerated impression of the prevalence of corruption, especially among officials at high levels." Myrdal quotes the following statement attributed to Nehru in R.K. Karanjia's book, *The Mind of Mr. Nehru* : "Merely shouting from the house tops that everybody is corrupt creates an atmosphere of corruption. People feel that they live in a climate of corruption and they get corrupted themselves. The man in the street says to himself: 'Well, if everybody seems corrupt, why shouldn't I be corrupt? That is the climate sought to be created which must be discouraged.'" The Santhanam Committee has stated : "The general impressions are unfair and exaggerated. But the very fact that such impressions are there causes a damage to the social fabric." The Committee's Report further adds: "The general belief about failure of integrity amongst ministers is as damaging as the actual failure." The real remedy against the continuance of the so-called folklore of corruption lies, in this author's view, in convincing the people that government are determined to put down corruption with a heavy hand and enforce all possible measures to root out the evil and that deterrent punishment will be awarded to those guilty of corruption irrespective of their social or official status.

It is also equally essential to educate the public about facts relating to those who are corrupt in comparison to those who are efficient and whose integrity stands proved. *The innocent have not been protected or respected and the guilty and inefficient have not been adequately and quickly punished.* There is a widespread feeling amongst the public that while minor officials are pursued and dealt with severely, the more senior people get away lightly, and that not unoften they receive sympathetic treatment both in the cognizance of complaints against them and in the conduct of investigations and inquiries against them. This feeling seems

justified when we study the annual reports of CBI and CVC and see the large number of petty cases and petty officials pursued (*see* Annexures I and II). This feeling must be removed and it will be possible to do so only if *bona fide* complaints against public servants, whatever their status, are investigated quickly and impartially. It is the delay and the excessive time taken in investigating and processing of cases that is eating into the vitals of efficiency and into the morale of our public services because the guilty escape for too long, and the innocent suffer humiliations and are tortured, for too long. There are no time limits for anything and it is significant to note that both the CVC and CBI in their Annual Reports have avoided any reference to the time element in vigilance cases which is vital for efficiency and results. How far is it fair to conduct a post mortem enquiry with all the advantages of hind-sight in a case which took a week to decide but investigation, etc., of which last for years, is an issue which should be considered in depth.

It is felt that government have come to acquire an excessive obsession with the general feeling of corruption in the public mind and it has almost created a leviathan in the vigilance organisation comprising of vigilance branches of departments of ministries, CBI and CVC during the last few years because in spite of them the impression about increasing corruption, especially delay and inefficiency, continues. In many cases, these agencies only duplicate and diffuse responsibility and delay matters. The work in the vigilance organisation has been expanding at a rapid rate during the last six years. We now have the spectacle of a rapidly growing vigilance set-up in every ministry and department which justifies its existence and expansion by statistics of cases taken up and with no regard to the preventive measures or impact on improving the integrity of the civil service or its efficiency. There is no time schedule and cases hang on for many years spreading demoralisation all-round.

Apart from a vigilance organisation in every ministry and department, there is the expanding CBI with its Special Police Establishment (SPE) units—ever increasing in number. The author shares the remarks of the Estimates Committee, 1968-69 on the CBI and wonders what will happen to Indian administration if they continue with their statistical progress. We may have very efficient officer with initiative who has used his judgment and discretion under a vigilance cloud till he learns to play for safety first and last.

The CBI is expanding fast. It takes too long to examine the cases and prosecution cases are very few. The main role of CBI now is that *they draw up many more cases for departmental action*. Were it not for the salutary role of CVC in some cases and were the CBI given a free hand, many more innocent persons would have suffered. I have discussed in Annexure I the facts about CBI statistics in the context of the recom-

recommendations of the Estimates Committee, 1968-69, that the CBI can justify its effectiveness by a few selected important cases efficiently handled in place of petty ones.

The CVC has become one more agency in the vigilance set-up. In many cases, it has a salutary role and has had an effective check on the indiscretions and excesses of the CBI, as well as those of vigilance branches in ministries and departments. It is possible that in future the CVC may also get bureaucratised and be taken over by Parkinson's Law. The general disposal of work by the CVC in some cases has been quite good, and some cases have been expedited though *one could find a very large number of cases where it has been quite slow. The main failure of the CVC is its inability to observe any time schedule over the disposal of cases.* In fact, the creation of CVC, while playing the positive role of a check on departments and the CBI, has tended to discuss the responsibility for investigation, processing of cases and the taking of the final decision *because of too many consultations with too many agencies.* Many departments have more or less abdicated their initiative, judgment and responsibilities to the CVC. Unless the CVC can get minor cases completed within three months and major cases within a year, this almost parallel set-up cannot prove useful. It is impossible for the CVC to do justice to so many cases and, therefore, it will have to confine itself to major cases pertaining to higher levels. It must also be considered whether we should have two or more CVC if only to place on the CVC the sole responsibility for giving decisions on the cases quickly. I have discussed the facts about the performance of CVC in Annexure II—it reveals that CVC has no positive responsibility or accountability and it is pre-occupied with too many petty cases. It has tended to delay disposal of cases, rather than expedite them. There is too much secretarial notings and delays by assistants, section officers, deputy secretary and secretary before CVC sees the case and he is *now obsessed with minor penalties and warnings* and exonerations are becoming less and major penalties are few.

#### THE OBJECTIVE OF VIGILANCE

There can be no two opinions that the objective of vigilance is not only to punish the guilty quickly but *also to protect the innocent.* This objective has not been fulfilled and the views of Justice Wanchoo Committee given below and the conclusions of the review of the CBI and the CVC given in Annexures I and II support this conclusion and stress *the imperative need for a radical change.*

The following comments have been made by the Justice Wanchoo

Committee\* on the vigilance set-up:

1. The committee have received overwhelming evidence that the vigilance organization as it functions today, has the effect of killing or considerably weakening the initiative and disposition to take the right decision, creating a fear complex, a general shirking of responsibility all-round and the tendency to pass the buck upwards or sideways or set up committees;
2. a feeling of extreme insecurity which the working of the vigilance organisation has engendered has permeated down even to the lowest level;
3. the present scheme of referring each and every case of investigation involving a gazetted official to the Central Vigilance Commission not only involves considerable delay during which the officer is kept under suspense but also materially affects the career of the officer and has a bearing on the loss of his efficiency and morale;
4. even officers who are not actually involved in a vigilance case have been affected by the functioning of the vigilance organisation and the net result is that, as a rule, officers are reluctant to act on their own responsibility even where the rules provide for discretion and invariably the endeavour, wherever possible, is to either switch on the responsibility to a colleague or superior or at least to share the responsibility with others;
5. the practice of employing sources to gather information for starting investigation by the vigilance is fraught with many evils and has a definite demoralising effect on the officers;
6. the system of informers makes a mockery of the so-called directive that no notice should be taken of anonymous or pseudonymous complaints;
7. the head of the department, the general manager or the member concerned of the Railway Board is not taken into confidence at the time investigations are taken up and by the time these authorities come to know of the investigations considerable damage has already been done. In this arrangement the officers are bound to suffer though they might have put in long and loyal service and the complaint might have been made by an unscrupulous informer; and
8. the vigilance organisation has already succeeded in doing harm all-round and this has completely eclipsed whatever little good that it might have achieved in isolated cases.

\* Justice Wanchoo was the Chief Justice of the Supreme Court of India and inquired into the Railway accidents.

The committee have recommended that without any further loss of time the government should undo the damage which has been done by this highly ill-conceived plan of action which it might have once been thought would root out corruption but which instead is throttling the healthy organisation of the Railways.

Table I shows the number of complaints received, disposed of, vigilance cases started and disposed of and the punishments given—major and minor penalties—and cases dropped by three of the organisations, viz, CBI, Vigilance Branch (Railways) and the Central Vigilance Commission, during the three years—1966-67, 1967-68 and 1968-69 at a glance.

This table does give evidence of the conclusions of the Wanchoo Committee that the number of complaints received and investigated is out of proportion to the final outcome of these cases. The CBI during the period 1966 to 1969, has investigated cases which come to 2.7 per cent in 1966, 2.4 per cent in 1967 and 1.3 per cent in 1968-69 resulting in major penalty. There is, thus reason to believe that the cases of prosecution are even much less. Broadly, this comparison stands in the case of CVC as well and also departmental vigilance—as will be evident from the data in Annexures I and II.

### *The Urgent Need*

The most important need, therefore, is to end the bogey of vigilance and speed up the process and bring it under some time schedule. We need to consider urgently the following points:

1. How to locate those who are corrupt and punish them quickly? Let us not confuse corruption with errors of judgement or discretion or procedural lapses, etc. A review of 1,000 cases handled by CVC and CBI will prove that most of them relate to these and not to corruption of any magnitude.
2. How to protect the innocent and honest officers who now have to prove their innocence. Vigilance proceedings leave the victims greatly injured and impaired. Gone are the days when an officer could feel secure and act boldly with initiative and enterprise to produce results because he was supposed to be 'innocent' till proved guilty. *He has now to establish his innocence.*
3. How to compensate those who, though proved innocent in end, suffer due to vigilance cases.
4. What would be reasonable time for preliminary enquiry, and how minor penalty cases and major penalty cases are to be measured? Is it possible to fix a time limit of one year for deciding a case as also some time limit for its various stages?



TABLE 1 PROGRESS OF VIGILANCE WORK BY CBI, VIGILANCE BRANCH (RAILWAYS) AND CVC, 1966-69

	CBI			Railways			CVC		
	1966-67	1967-68	1968-69	1966-67	1967-68	1968-69	1966-67	1967-68	1968-69
<i>Complaints received</i>	10981	9063	8383	Not available			9625	9277	8675
<i>Disposed of</i>	9779	9588	9123				9223	9444	8648
<i>Vigilance cases started</i>	1792	1860	1810	4238	3352	3429	2052	1788	
<i>Disposed of</i>	1907	1942	1504	4024	3979	3250	2057	1744	
<i>Punishments</i>									
(i) Major	301	219	110	313	238	236	252	237	199
(ii) Minor	1606	1723	1394	1894	1093	1538	1278	1113	954
Dropped	—	—	—	967	2052	1352			
Percentage	2.7	2.4	1.3						

5. Why do officers, who work in vigilance branches, cultivate so much fear, terror and secrecy that they become incapable of producing results and want to overstress procedures and rules when initiative, courage and enterprise are required?
6. What changes in procedures, methods and staff arrangements of vigilance branch are needed and could the secretariat system be replaced by the officer-oriented system in which not more than two persons be made responsible for the analysis of the case and deciding the case.

#### OBSERVATIONS ON VIGILANCE

The following observations would strike anyone who examines the vigilance set-up as it is functioning today in the light of the above mentioned need:

1. There is far too much unnecessary secrecy and halo around the working of the vigilance set-up and it has created a strong sense of fear of action and the distinction between the *bona fide* errors and the *mala fide* ones, has tended to vanish. In this context, the analysis of central vigilance commissioner, Shri Dutt, that *it is delay which is at the root of this total damage to the administrative structure of the country is correct*. However, very little seems to have been suggested which should foster a feeling of confidence, trust, initiative, responsibility and efficiency, which are the essential prerequisites and needs of our administration, so long as we value democracy, accept the rule of law and the developmental needs as enshrined in the directive principles of the constitution.
2. The heads of departments tend to feel that the setting up of the vigilance hierarchies in the departments and by the CBI and CVC has eroded and diffused the role and responsibility of the heads of departments in matters relating to integrity and efficiency of administration and the officers holding charge thereof. This has resulted in spreading an atmosphere of lack of trust in anyone and parallel centres of powers have emerged in the CBI and CVC administrative authorities.
3. It is generally felt that the administration was little more efficient in the 1950s and the elements of delay were less because the responsibility was felt and exercised by the heads of departments and others in charge of the staff under them. Cases of excess or of errors of judgment and discretion were occasionally taken up in courts of law and under the Government Service Conduct Rules. It is the colossal expansion of the vigilance network

after 1964 which has brought us in the Indian administration to a sad state of affairs in the last few years. One is pained to find senior officers quite helpless when it comes to any innocent officer being persecuted by CBI or the vigilance set-up due to the process and procedures even when they feel satisfied about his integrity in the matter. The best evidence of it can be had in the statistics of CBI and CVC in Annexures I and II; the amount of time taken in decision of the cases of officers who were eventually found innocent can also be examined from the Annexures. If the top levels had examined the case with care and speed at the early stages and acted with judgment and authority, they could have saved the officer much suffering. Today, no one reads the cases to take a view and everybody passes on the buck. Fear has overtaken all levels and far too many agencies are meddling in vigilance cases.

4. The positive role of the CBI is as under:

- (i) It alone can take up investigations against the higher levels and in complex cases.
- (ii) It is resourceful and can get material from various sources which may not be available to the normal departmental machinery.
- (iii) Important cases have been taken up by the CBI which has had a deterrent effect on other persons who may have engaged themselves in corruption. Many cases mentioned in the Annual Report of the CBI bear adequate evidence of its positive role.
- (iv) In the early years, the CBI had taken up too many cases for prosecution and many of them proved to be weak and were thrown out by the courts. Lately, it is encouraging to see that the CBI takes up only those cases for prosecution where it has a sound and strong case. During the year 1969-70, out of 1,052 cases taken up by the CBI it launched prosecution only in 40 cases and succeeded in all of them. It might suggest that in prosecution cases their work is of a very good quality and the only defect that could remain is the excessive time taken by them in investigations and in proceeding with the prosecution cases.
- (v) In departmental cases, far too many petty cases have been taken up as is evident from final results. The negative role of the CBI is evident when we consider that the CBI has shown an excessive anxiety for statistics and it has

sought to process more and more cases for departmental action most probably simply to fill up the quota where the investigations reveal that the cases of prosecution, etc., is weak. The quality of their emphasis has shifted on building two or three departmental cases out of one case which they investigated for prosecution and the main charges and allegations upon which these cases are based, are of minor administrative nature which could be called errors of discretion, judgment, commission and omission relating to some rule or procedure. The CBI also takes a very long time to investigate cases, which proves that the decision-making process in a particular case, which might take at best an hour or two, is sought to be investigated upon for months or years. In the overall analysis, therefore, the CBI may have done some harm. This becomes quite evident from the facts and figures in Annexures I and II. The number of persons finally found guilty of grave lapses is few, i.e., as low as 1.3 per cent in 1968-69. The CBI can play a more dynamic and positive role if it confines itself to cases of prosecution with a clear stipulation of time limit of six months to investigate and one year in which to process the cases and launch a prosecution. Many prosecution cases are greatly delayed because the CBI is not ready and they take too much time in furnishing materials as well as in presenting the witnesses. Such cases, in which the CBI fails to establish a prosecution within a year or so, should be dropped by the CBI.

- (vi) The CBI has too many constables and inspectors. Inquiry against gazetted officers must be conducted by Superintendent of Police (SP) of SPE's aided by Deputy SPE's and non-gazetted by Deputy SPE's aided by inspectors. They will play a more positive role than the Inspector class and the constable class.
- (vii) Another defect of the present system of the CBI is that no credit is at all given to the report of the inspector and the deputy superintendent who may have conducted a thorough investigation which results in an honourable acquittal of a man. The author has learnt that police officers are often forced by the system to fulfil the quota of departmental cases, if no prosecution cases, because the acquittal cases give them no credit. A weak prosecution case is liable to attract strictures from the court. A departmental case, which even fails, does not give them any trouble or attract

any penal consequences. A study of the annual reports of the CBI will bear adequate evidence for the conclusion that *no police officer has been penalized for a bad enquiry*. The present system of recommending advance increments to those who have established departmental cases should be dropped. It is immediately necessary to stress that no credit would be given for establishing a departmental proceedings case which is entirely a matter for the department concerned and *credit should be given for a fair and balanced report* to develop a respect for truth in the minds of police. Some of the disaster heaped upon officers who take decisions will be reduced if action is taken against those police officers who have established untenable cases against the officers. The obsession with statistics should vanish; 100 effective cases will tone up the administration than more than 2,000 petty cases. The prestige of the CBI will improve if it not only checks and brings the corrupt to book, but if it does not curb initiative, enterprise and efficiency.

5. The CVC has not yet played an effective role in the sphere of prevention of corruption, largely, because it has no control over the element of delay, which is the breeding ground of corruption and the main cause of suffering to those who are innocent. The main concern of CVC during the last few years, as the statistics in Annexure II reveal, is on those cases on which minor penalties were imposed and warnings were issued. It is again necessary here to stress that it is humanly impossible for one CVC to do justice to eight to ten thousand complaints received during the year and about two thousand cases of disciplinary proceedings which are required to be handled. These cases cover a very wide range of activities of different departments whose structure, procedures, conventions and methods no officer can possibly understand single handedly.

#### SOME SUGGESTIONS

The author is venturing to make the following suggestions for improving the CBI, the CVC, departmental vigilance set-ups, procedure and process of vigilance and the consequences of vigilance cases in the system of administration today, with a view to making these agencies more purposeful and complementary to the basic objective of giving India a clean and an efficient administration:

*Central Bureau of Investigation*

1. The CBI must be required to complete its investigation within a period of three months and it should be asked to drop all cases which cannot be completed within six months. In exceptional cases for good and sufficient reasons a committee of the concerned head of department, the CBI chief and the CVC may extend the time limit up to one year. It must be remembered that the time frame work in which decisions are taken by officers is very much less than the time limits which are observed to conduct preliminary enquiries.
2. The CBI should concern itself only with prosecution cases, and it must make an effort to launch a prosecution within one year positively. All other cases should be handled entirely by the disciplinary authorities with reference to the CVC in respect of major penalty cases and without reference to the CVC in respect of minor penalty cases. The report and the materials of the CBI in such cases where prosecution is weak should be passed on to the concerned heads of departments.
3. The CBI should be given credit on the basis of the quality of the investigation and the time frame work in which it is completed, which will imply that even where an investigation led to honourable acquittal, the concerned inspector or DSP should get due credit. Any case referred by CBI for departmental action should be subjected to complete independent investigation by an officer of appropriate level who can understand the rules, the conventions, the organisation, circumstances and such other relevant things. The presenting officer in departmental cases should be a departmental man and the police machinery must be freed from any role in departmental proceedings except in getting witnesses. *This alone will enable the CBI to concentrate its full energy and efforts on important cases* and implement the recommendations of Estimates Committee. They should leave other petty cases to the departmental set-up. Only then can the CVC, the CBI, and vigilance branches of departments supplement one another and we will get a better quality of work, quicker disposal and clearer field of responsibility.

*Central Vigilance Commission*

1. In all departmental cases, the CVC should scrutinise the report of the CBI after getting an independent departmental report on the basis of an investigation conducted by an officer of appropriate status. It could then get the comments of the concerned department on the investigations of the CBI and the

- comments of the CBI on the investigations of the department within say one month. This alone can enable the CVC to take a balanced view of the matter and in certain cases to undertake direct investigations through CBI or the vigilance officers or even by itself through the commissioners for inquiry.
2. The CVC, with the help of the department, must take a view whether a particular case is a major or a minor penalty case. The CVC should confine itself only to major penalty cases. In other cases, it could conduct, at random a *post mortem* review. Judged from final results given in Annexure II, far too many petty cases of warnings, minor penalties are being made to pass through the mill of major disciplinary procedure which leads one to the conclusion that the CVC is playing a passive and dilatory role and has not made an effective impact.
  3. The CVC must entirely rely on the processing of the case in the departments and a parallel secretariat set-up in the CVC should not be encouraged. There is a general tendency now in the vigilance departments of the government to leave the processing of a case to an assistant or section officer, who becomes an expert and every body else likes to only comment or take views or just sign.
  4. It is not necessary that the commissioner for departmental enquiry alone should conduct an enquiry if any time limit is to be observed, which it is suggested should be three months. The commission will have to keep a panel of suitable officers of appropriate levels in all departments who can be entrusted with departmental inquiries not more than one or two at a time, for which those officers should be given an honorarium varying between Rs. 500 to Rs. 1,000. While the minor cases should not require any departmental inquiry, the major ones will also have the departmental inquiry completed within three months. This points again to the imperative need of the *first investigation being of very good quality*.
  5. The CVC has to give greater time and attention to preventive measures and positive steps should be taken for improving both the efficiency and the morale of the public service as well as its role to give due protection to innocent officers. There should be a provision for officers to appeal to the CVC and he need not be as shy to meet officers as he is.
  6. Greater trust and responsibility will, therefore, have to be restored to the departmental heads and the CVC must confine itself only to *major penalty cases of corruption only* instead of petty procedural and technical lapses. It is no secret that



work is not done by rules alone otherwise 'Work to Rule' would not have become a strike slogan. *Mala fides* and *bona fides* have got to be considered.

7. If necessary, the country may have one, two or three central vigilance commissioners but under no circumstances should Parkinson's Law be allowed to operate on the CVC and it must not be allowed to have an expanding secretariat. The chief vigilance commissioner must be able to give an opinion within a week or ten days directly on the file coming to him from the departmental head in which the view of the vigilance officer of the department, who also represents the CVC, would be available. This would eliminate delay in the CVC and no case would be found with the CVC for more than two weeks. No Secretariat noting should take place in commission and the chief vigilance commissioner should handle the case directly himself, secretariat assistance if any needed, can be provided by the departments.
8. The paramount need of all vigilance cases is to *stipulate time limits* and the efficiency of the vigilance set-up should be solely judged from this angle. No minor penalty case should be allowed to take more than three or at the most six months and no major penalty case should be allowed to take more than one year. It is better that a few cases are dropped because of non-adherence to time schedule and the officers in-charge taken to task for this, rather than allow the cases to linger on for years and months on some excuse or the other. Such delays do much more damage to the image of government and the public services.
9. The Government of India must give serious consideration to the performance of the CBI and the CVC inasmuch as major penalties were imposed barely in one per cent of the cases undertaken by the CBI and this percentage for the CVC comes barely to two per cent. *This leads us to the question as to what is the fate of the 98 per cent of the officers who undergo the vigilance torture and who are not the same men again.* Breaking the morale of 98 per cent of the officers who come under the vigilance clouds will lower the performance in our public sector and government. The author feels apprehensive about the 1970s. Since 10,000 complaints are received by the CBI—the CVC alone, it means that in every plan period 50,000 government servants can come under a vigilance cloud. After 15 to 20 years, very few persons will be left without this stigma, even though the percentage of the really corrupt and guilty is between 1-2 per cent.

*Vigilance Branches of Departments*

The administration, vigilance and efficiency cell should form one wing though in some of the departments it may be necessary to have few specialised vigilance officers:

1. In all cases, there must be an independent investigation conducted by an officer at the appropriate level which would be one level above the level of the accused. This officer should do the preliminary investigations within 2-3 months. The report from such an officer should carry adequate weight and as an incentive he should be paid honorarium or fee of Rs. 500 to Rs. 1,000. This alone will enable the CVC and the department to take a balanced view even in those cases where the CBI has also given a report for departmental action.
2. A panel of officers who can be entrusted with vigilance cases is absolutely essential because there can be only a few officers proficient in handling vigilance cases and it is the delay at the stage of preliminary inquiry in major and even minor penalty cases and the oral inquiry that has to be cut down.

*The Process*

1. The investigating officer of an appropriate level should do the complete departmental investigation in every case (even in CBI cases) and submit his report within three months either acquitting the officers or with the draft charge-sheet.
2. The disciplinary authority should take a view within one month to decide whether a minor or major penalty should be inflicted or the case be dropped. The case at this stage should come to the CVC for advice or discussion along with the draft charge-sheet. The CVC should give its advice within one month. Within one month the draft charge-sheet must issue along with all relevant documents on which the case is based. There should be no effort to conceal relevant documents that might favour the defendant. The officer must also be asked to call on the vigilance officer within a week and to consult such other documents of the case as he needs. Any reference to other irrelevant documents can then be turned down and this process should be over within 10 days.
3. A provision may be incorporated in the present procedure that once the charge-sheet, accompanied by the supporting documents, is issued, a reply should be given within 15-30 days at the most.
4. The reply should be considered by the competent authority within a month and if it is felt that a major penalty is warranted

then in such cases the commissioner for departmental enquires (CDE) can be appointed straightaway. The same obligation of 15-30 days must be enforced on the disciplinary authority and reply should be considered and a view taken by him. In those cases which warrant minor penalties, the disciplinary authority should pass final orders. In those cases where major penalties have been advised by the CVC, the CDE must be asked to commence his enquiry within 2 weeks. If the CDE of the CVC is busy, a suitable departmental officer should conduct the enquiry. The report of the CDE should be available within 3 months.

5. The CDE must be asked to study the case and all relevant materials, and if he feels it is not a major penalty case, he should send it to the CVC with his reasons. This will check the tendency to start all cases as major penalty cases and end them with minor penalties and warnings which should have been done earlier.

The above mentioned procedure is expected to ensure that many simple vigilance cases would get disposed of within three months. Again, minor penalty cases should be disposed of in another three months and the major penalty cases should also be disposed of within a year.

#### *The Impact of Vigilance Cases*

1. The promotion and confirmation of individuals should not be held up till the decision in vigilance cases is taken. These should be decided only on the basis of the overall record. Sensitive higher posts are not more sensitive than those at the middle or near middle levels. Let not the judgment of the ability and integrity of the officer as recorded in the Confidential Reports be outweighed by a vigilance case and many years of loyal service and good record ignored.
2. The punishment memo must be placed at the appropriate place in the Character Roll with reference to the period covered by the charge-sheet and not the date of issue of the orders.
3. The list of penalties needs to be revised as follows :

#### *Major Penalties*

- (a) dismissal,
- (b) removal, and
- (c) compulsory retirement or reversion.

*Minor Penalties*

- (a) recovery of any loss,
- (b) stoppage of increments, and
- (c) censure.

Any caution or warning should have no penal consequences and should rarely be given in cases where a charge-sheet is issued, because this is meant to be given for guidance only.

4. In grave cases where dismissal is likely, it is better to suspend an officer for 3 to 6 months and expedite his case. It will be very difficult for anybody to function in an atmosphere of uncertainty where his *bona fides* have been brought to doubt. No one should be kept under suspension for more than six months.
5. It has also to be seriously considered as to why we see that now only vigilance cases are being pursued in any organization, whereas in a departmental organization most of the cases pursued ought to deal with inefficiency, delay or lack of performance. If the administration has to be positive and efficient, this aspect must receive the attention it deserves.

CONCLUSIONS

The most important need in the interest of efficiency and progress is to *fix a time schedule for a case* as suggested in this article and also to demarcate clear fields of responsibility between the CBI, the CVC, and heads of departments; officers of appropriate level should apply their minds to the cases instead of having too many persons' notings on facts, etc., and making it impossible for the competent authority to look into the case himself. The three vigilance agencies should really complement one another as already discussed so that there is a concern for urgency and enquiries are conducted expeditiously and decisions taken quickly.

## Annexure I

## CENTRAL BUREAU OF INVESTIGATION\*

There is very little in common between investigative functions of CBI and those of Scotland Yard of UK or FBI of USA. The great majority of *cases investigated by CBI are against Central Government servants* and not crimes, robberies, riots, economic offences, etc., as is the case with FBI and Scotland Yard.

Expenditure on Special Police Establishment during 1962-63 (*i.e.*, before setting up of CBI) was Rs. 50.94 lakhs and it rose to Rs. 134.30 in 1967-68, and Rs. 185 lakhs in 1968-69. The annual increase is about 20 per cent and from 1963 the expenditure has increased by 264 per cent.

*Staff Strength*

- (a) The staff has increased by 88 per cent from 1,432 in 1963 to 2,690 in 1968.
- (b) The strength of police personnel of different categories has increased by 92 per cent from 984 to 1,888.
- (c) Posts of Deputy Director/DIG's and above have increased from 3 to 15 and 5 years, *i.e.*, by 400 per cent.
- (d) The staff on April 1, 1968 was:

Director	1	Dy. SP	109
Joint Directors	2	Inspectors	377
Addl. Director	1	Sub-Inspectors	145
Dy. Directors	11	Asstt. Sub-Inspectors	96
AIIG/SP	42	Head Constables	90
		Constables	1,014
	<hr/> 57 <hr/>		<hr/> 1831 <hr/>

We can, thus, see that there are few officers and more petty officials of Inspector and below level and it is they who have raked up too many petty cases and given the CBI a bad name. A group of well-trained officers, *i.e.*, SPs and Dy. SPs well conversant with Law, can improve the CBI for the better.

In prosecution cases, the Department of the concerned guilty officer is required to give comments within 14 days to Central Vigilance Com-

\*The Annexure is based on *Seventy-Eighth Report of Estimates Committee (1968-69)* (Fourth Lok Sabha): Ministry of Home Affairs, Central Bureau of Investigation, New Delhi, Lok Sabha Secretariat, 1969.

mission (CVC) after considering report of CBI and comments, if any, of the Department, the CVC gives its advice on action to be taken. There are no other limits.

*Type of Cases to be Taken Up*

The Enquiry Committee on Special Police Establishment (1949-52) had made *inter alia* the following recommendations:

The Special Police Establishment should concentrate its attention on *really important cases and should not dissipate its energies and time in pursuing cases of minor irregularity or petty dishonesty*. Successful prosecution in a comparatively small number of big and important cases makes a greater impression on other actual or potential wrongdoers than more number of cases of major and minor importance sent up to Court. From the point of view of society also, the punishment of persons occupying important and responsible positions is both more satisfactory and more salutary than securing the conviction of a petty Assistant Station Master who has extorted a bribe of Rs. 5 from a consigner.

A break-up prepared by the Ministry of Home Affairs, of the 2,336 cases registered by CBI during 1967 in terms of value of transactions involved is given below:

<i>Value of the Transactions involved</i>	<i>No. of Cases</i>
Rs.	
1,000 or less	1,270
1,001—10,000	406
10,001—50,000	204
50,001— one lakh	68
More than one lakh	136

It would be seen from the above mentioned figures that more than half of the cases registered by the CBI during 1967 involved transactions of Rs. 1,000 or less, and only 17 per cent are very important cases.

The observations of the Estimates Committee (1968-69) in its 78th Report seems to be justified that "in spite of the recommendations of the Enquiry Committee on the Special Police Establishment (1949-52) and the instructions issued by government in pursuance thereof, the CBI *continue to engage themselves on trivial and petty cases*". Therefore, the Government should, in the words of the Estimates Committee, ensure that the capacity and resources of the CBI, which are by no means unlimited, are available for exposing cases of magnitude and importance, including any big corruption in high places.

*Vigilance and Anti-corruption Work*

An important work of the CBI is to prepare agreed lists of officers of doubtful integrity. Total number of officers under observation during 1967 was 576 and during 1968 it was 547. Action taken against such officers in 1967 was: prosecutions taken up 11, and departmental action 160. Some innocent officers have also been brought under a cloud inadvertently or mischievously.

With regard to effectively checking corruption, the Estimates Committee observed: "CBI have not been able to do much in discharging their responsibility for keeping a watch on undesirable contact men or unscrupulous contractors, suppliers, firms and clearing agents who are suspected of indulging in corrupt practices because of the limited staff at their disposal. The committee attach great importance to this part of their activity and recommend that CBI should have an adequate machinery, trained manpower and resources for this purpose" (para 4.27 of the Report).

*Delays in Disposal of Cases*

The Estimates Committee felt "*unhappy to note the inordinately long time being taken by Central Bureau of Investigation both in investigation at the Branch level and in the processing of the Final Report of the Branch at the Head Office*" (para 5.8 of the Report; emphasis by the author).

At the end of 1967, 258 preliminary enquiries and regular cases were pending. Thus, delay up to one year can be caused merely in legal scrutiny of cases. The only solution is to have SPs fully trained in Law.

One of the causes of delay in finalization of the CBI cases is the long time taken by the CVC in giving the advice because no one person is responsible in the CVC. Cases rest on tables of assistants, section officers, deputy secretary, or secretary, and the central vigilance commissioner may or may not know about these.

A number of cases held up with the CVC for over one year were brought to notice. As a remedy the author feels that the secretariat levels must be eliminated so that the CVC does not take more than one month on any case.

The following recommendation of the Estimates Committee seems to be very pertinent: "The Committee are deeply concerned to note the large number of Central Bureau of Investigation cases pending with the Ministries/Departments for disciplinary action; quite a substantial portion of these have been pending for a long time. Apart from the fact that delays in disciplinary proceedings whittle down the deterrent effect of punishment, the more prolonged the proceedings the greater is the difficulty experienced by the witnesses and greater still is the hard-



ship to the public servant involved. The Committee would suggest that reasonable time limits for the disposal of a disciplinary case at each stage in the Ministries should be fixed which should normally be adhered to" (para 5.38 of the Report; emphasis is author's).

Regarding delays in courts, the Estimates Committee observes: "The Committee are perturbed at the mounting arrears of CBI cases pending trial/disposal in courts year after year. The analytical study of some old pending cases reveals that CBI is not free from blame in this matter. The delay in production of documents under Section 173 Cr. P.C., shortage of prosecuting staff and delay in the service of summons are matters which have to be attended to by the CBI" (para 5.45 of the Report).

## Annexure II

### CENTRAL VIGILANCE COMMISSION\*

The objectives of the CVC set by Santhanam Committee were:

1. The CVC should be independent of government and not answerable to any minister.
2. It should deal comprehensively with prevention of corruption and maintenance of integrity.
3. It should ensure just and fair exercise of administrative powers.
4. Assume centralised powers and responsibilities in disciplinary matters (excepting the jurisdiction of Delhi Special Police Establishment).

The government did not favour complete centralisation of powers and responsibilities which will undermine the initiative and sense of responsibility of ministries and departments in such a big country where Central Government staff is spread all over. The main objective of CVC, therefore, is to ensure that complaints of corruption or lack of integrity on the part of government servants are given prompt effective attention. It has been given powers of investigation and enquiry.

#### *Procedure of Work*

Regarding the procedure of work in the commission, the following observations of the Estimates Committee (1968-69) of the Fourth Lok Sabha are relevant: "Considering the fact that the Central Vigilance Commissioner has to study each and every case personally and take decision himself, the Committee feel convinced that it is humanly impossible for one person to handle the large volume and variety of work transacted by the Commission... The Committee, therefore, recommend that if the Commission is to discharge the onerous duties entrusted to it, it should be enlarged and at least one more member added to it" (para 3.12 of the Report of Estimates Committee).

"The Committee regard the procedure of recording the reasons for taking a particular decision as highly salutary and based on sound principles of public policy inasmuch as it guards against the decision of any person being arbitrary or whimsical. In this contest, they are glad to note the assurance given by the Central Vigilance Commissioner that

\*The Annexure is based on the *Eighty-Fourth Report of the Estimates Committee (1968-69)* (Fourth Lok Sabha); Ministry of Home Affairs (Central Vigilance Commission, New Delhi, Lok Sabha Secretariat, 1969.

his advice will be accompanied by reasons so as to enable the disciplinary authority concerned to reach a decision" (para 3.23 of the Report).

#### *Delays in Disposal of Cases*

Details furnished to the Estimates Committee indicate that considerable delays have been taking place in the commission at different stages in the disposal of cases.

The number of 6-month old cases has increased from 9 at the end of 1964-65 to 94 at the end of 1967-68 and those more than one year old have increased from 7, at the end of 1964-65, to 21 at the end of 1967-68.

The Estimates Committee observed in its report that, during 1965-68, average number of cases referred to commissioners for departmental enquiries during a year was 171 and their disposal during a year was 98. This has resulted in an expanding backlog and at the end of 1967-68, 270 cases were pending. The average time taken in completing an oral enquiry in a case has increased from 270 days during 1966-67 to 399 during 1967-68.

The following recommendation of the Estimates Committee regarding pending cases is, perhaps, very important: "The Committee are concerned to note the large number of enquiry cases pending with the Commissioners for Departmental Enquiry which are mounting every year. At the present rate of disposal, which is stated to be three per month per Commissioner, the 5 commissioners at present attached to the Commission will take as long as 1½ years to complete the enquiries in 270 cases pending with them as on 31st March, 1968. The Committee recommend that the Commission as well as the Ministry of Home Affairs should make a thorough investigation of the causes which have led to the accumulation of enquiry cases with the Commissioners, streamline and simplify the enquiry procedures wherever possible and, if the workload justifies, take prompt action to increase the number of Commissioners" (para 5.11 of the Report).

#### *Staff of CVC*

The staff of CVC as on August 31, 1968, is: 20 class I officers, 14 class II (gazetted) officers, 33 class II (non-gazetted) officers, 48 class III officers, and 38 class IV officers.

#### *Expenditure on CVC*

The expenditure of the CVC has increased from 9.45 lakhs in 1965-66 to about Rs. 14 lakhs in 1970.

PERFORMANCE OF CENTRAL VIGILANCE COMMISSION

The Central Vigilance Commission was set up in 1964 and has published 6 reports on its working so far. The summary of its work is given below for the period 1964-69:

<i>Subject</i>	<i>1968-69</i>	<i>1967-68</i>	<i>1966-67</i>	<i>1965-66</i>	<i>1964</i>
1. Complaints received	956	1058	1435	2277	5920
2. Enquiry reports sent to Deptts. and CBI	124	130	180	187	276
3. CBI reports	282	324	294	304	405
4. CBI and Deptt. reports recommending prosecution	16	20	19	22	24
5. Reports of CEE's	148	142	90	59	109
6. Difference of opinion between CBI and Administration	23	14	13	15	38
7. Advice on procedure	96	93	93	150	263
8. Black listing of firms/contractors	84	111	181	124	
9. Miscellaneous cases of advice	739	624	792	928	575
<i>Departmental Proceedings</i>					
<i>Taken up</i>					
10. Action for major penalty	389	310	384	446	
11. Minor penalty	117	110	144	206	
12. Warning, cautions and displeasure	296	284	247	340	
13. Prosecutions	10	17	24	34	
<i>Results of Departmental Proceedings</i>					
14. Dismissal/removal/retirement	7	13	11	7	
15. Other major penalty	15	6	2	5	
16. Minor penalty	23	24	21	14	
17. Censure	36	29	48	5	
18. Warnings	222	184	159	53	
<i>Summary</i>					
19. Cases handled for advice	802	704	775	786	
20. Major penalty	22(2.7%)	19	13	12	
21. Minor penalty	23(2.8%)	24	21	14	
22. Censure	36(4.5%)	29	48	5	
23. Warnings	518(64.6%)	468	406	393	
24. Exoneration	203	164	287	362	

It can be deduced from the above mentioned table that the CVC is handling barely 2.75 per cent cases of any consequence.

## PERFORMANCE OF CBI

The performance of CBI as given in the statement of cases received and disposed of by SPE/CBI are given below:

*I. Complaints*

<i>Year</i>	<i>New complaints received during the year</i>	<i>Anonymous</i>	<i>Complaints processed</i>	<i>No. converted into cases for investigation</i>	<i>Sent to Deptt.</i>	<i>Filed/ dropped</i>	<i>Pending</i>
1964	5798	2170	3969	546	2072	1036	315
1965	5617	1900	4024	591	1762	1176	395
1966	7200	2817	4805	709	1951	1703	442
1967	3278	3911	4912	602	2080	1654	475
1968	7475	2670	5319	633	2447	1693	546
1969	—	—	—	—	—	—	—

Basing on this table, the following conditions can be reached:

1. In 1967-68 about 8 per cent of the total complaints were converted into cases and 7 per cent remained pending; 35 per cent were anonymous.
2. The bulk of complaints received take a year or so—the most important question is to get complaints examined within 3 months.
3. The SPE's may not be able to stick to 3 months schedule, they should have an arrangement to get some reports done by local police or state vigilance.
4. Level of investigation needs to be raised in many cases to DSP and even SPE himself, which will raise the quality and drop petty cases.

*II. Informations*

<i>Year</i>	<i>Informations collected</i>	<i>Informations processed</i>	<i>Converted into cases for investigation</i>	<i>Sent to Deptts.</i>	<i>Filed/ dropped</i>	<i>Pending at the end of year</i>
1962	1691	1754				
1964	2886	3253	1308	702	783	460
1965	3725	4175	1573	952	940	710
1966	3945	4652	1625	1060	1103	864
1967	4506	5372	1528	1769	1328	74
1968	4034	4776	1370	1510	1164	732
1969	—	—	—	—	—	—

We can derive the following conclusions from the table:

1. 28 per cent of investigations get converted into cases.
2. Informers need to be questioned carefully to discourage spying or mischievous elements.

### III. Cases of Bribery, Corruption, etc.

Cases are on the increase. As against 1,895 cases taken up in 1964, about 2,000 cases were taken up in 1968 while there were 55 cases only in 1956. The results of final action show that most of the cases were petty or frivolous.

### IV. Prosecutions in Court

Year	New cases	No. of cases decided	No. of cases pending	No. of Convictions	No. of Acquittals	Fines, etc. in lakhs	Percentage of successful prosecution
1964	308	800	254	212	42	16.97	83.5
1965	295	829	218	181	37	2.24	83.0
1966	353	959	271	230	41	4.05	84.9
1967	489	1177	302	255	47	6.28	84.4
1968	472	1333	356	314	42	8.34	88.2
1969	—	—	40	40	—	—	100.0

### V. Government Servant Proceeded With

Year	Total number	Gazetted	Non. Gaz.	Others	Total	Pending at the end of year		
						Under inquiry	Under prosecution	Under R.D.A.
1964	6,276	1,119	4,577	580	4,707	1,380	512	2,815
1965	7,734	1,263	5,661	810	5,342	1,456	569	3,317
1966	9,078	1,398	6,812	868	6,372	1,902	611	3,859
1967	9,606	1,453	7,224	929	6,309	1,728	692	3,889
1968	9,291	1,525	6,746	1,020	6,579	1,786	813	3,908

*VI. Regular Departmental Action Against Gazetted Officers*

<i>Year</i>	<i>Total No. of cases taken up</i>	<i>Of the year under report</i>	<i>Cases decided</i>	<i>Major penalty</i>	<i>Percentage of cases of major penalty out of those decided</i>	<i>Percentage of cases of major penalty out of total</i>
1964	599	226	97	17	17	3
1965	770	273	124	16	12	2
1966	863	266	140	17	12	2
1967	958	244	147	15	10	1.5
1968	977	223	208	13	62	13

The following conclusions can be assigned from the foregoing tables:

1. Out of cases for RDA only 6 per cent result in major penalty and these came to 1.3 per cent of total cases taken up.
2. This proves that unlike prosecutions, quality of investigation in RDA cases is poor and something should be done to drastically reduce such cases. □



# **Grievance-man in the Indian Administrative System— Ombudsman, Lokayukta and Lokpal\***

P. B. Mukharji

**I**T IS said that eternal vigilance is the price of liberty. This vigilance is a part of the rule of law and the ordinary functions of the courts of the land. They are charged with natural vigilance in a constitutional democracy. They expect that subjects and citizens of a democracy would be vigilant not only to protect their private rights but also to protect public rights and liberties. Laws and courts are the natural custodians to express such vigilance. Rule of law is infringed by secret vigilance which have not the publicity and the openness of public laws and the courts of the land. Secrecy defeats democracy and the public administration of private and public laws. Its next step is prying and secret espionage followed by secret police and underground informers.

## **COMPLEXITY AND VASTNESS OF MODERN LAWS**

The modern law, its complexity and its vastness are such that it is said to be no longer possible in the modern age to know where are the breaches of law occurring. Besides, there are many grievances, felt necessity, delay and obstruction in the course of natural relief against increasing governmental and executive actions. There is a vast body of complaints which are never redressed. This volume of complaints has been a matter of serious concern in recent time. Only a small percentage of these complaints see the light of courts. Lawyers, jurists, administrators, and statesmen are, therefore, trying to see whether a mechanism could be evolved to deal with the situation.

## **THE INDIAN PROPOSAL**

The recent experiments with the institution of the Central Vigilance

\*From *Indian Journal of Public Administration*, Vol. XVII, No. 2, 1971, pp. 408-24.

Commission and the prospective Ombudsman have been very much in the picture. Shri P. B. Gajendragadkar, a former chief justice of India, in his book *Law, Liberty and Social Justice*, at page 144, has expressed the view:

It is, however, doubtful if the Vigilance Commission as it has been constituted at present, the limitation under which it has to function and the narrow sphere of its jurisdiction would make it half as effective as it is expected to be. I would, therefore, earnestly request political thinkers and public workers to address themselves to the question as to whether it would not be desirable to evolve an institution like the Ombudsman in our country. I realise that India is a very big country and the institution of an Ombudsman cannot be copied blindly from the Scandinavian country where it has worked satisfactorily. Instead of Ombudsman, you may have a Commission and its jurisdiction, functions and powers may have to be carefully determined in the light of the relevant constitutional provisions. But unless we evolve an institution like Ombudsman and give that institution a very high constitutional status by amending the Constitution, the problem will not be effectively tackled.

In India, the problem is not quite so simple. The non-informed character of the general mass of the population, the illiteracy and the apathy of the people make the position extremely difficult and delicate. The vast administration and its officers very often seem to go their own way and they do not seem to be alive to the grievances of the ordinary people.

The International Commission of Jurists set up a Committee (Committee III) to discuss the need for an Ombudsman in the Asian and Pacific regions. Their proposals are that there should be an Ombudsman with powers declared and defined by an Act constituting the office, but his powers of investigation should not extend to head of state and judges or to matters of discipline in the armed forces. It is even suggested by this committee that the Ombudsman should deal not only with the complaints by any aggrieved person but also take up any matter on his own initiative. In other words, this Ombudsman will be both an accusatorial and inquisitorial institution, a combination unprecedented in a democracy with traditions of independent judiciary.

Presumably inspired by these suggestions, the recent proposal of the Administrative Reforms Commission is for the creation of Central and States Ombudsmen, the Indian edition of the names being 'Lok Pal' and 'Lok Ayukta'. Their appointment, status and tenure proposed are to approximate to the conditions of service of the supreme court and high court judges.

### *Criticism*

These Ombudsmen will be new constitutional institutions to be set up by amendment of the Constitution. The names Lok Pal and Lok Ayukta are not only flamboyant but also dangerously pretentious, much too reminiscent of the 'benevolent despots'. Such Ombudsman is not quite a supreme court or a high court judge. He has only the pretensions of that office's conditions of service. By reason of this proposed method of appointment, status and tenure, he cannot be responsible to parliament or state legislatures, and he is expected to be a watch-dog of erring ministers and officials. Secondly, one Lok Pal for the entire sub-continent of India, will necessarily be a captive of unmanageably numerous files and dossiers, and inescapably dependent on a whole miscellaneous army of subordinates and self-proliferating secretariat. Fourteen states of India with their fourteen states Ombudsmen with their numerous respective subordinates and staff of filing and noting clerks will be a formidable array of administration, expensive, dilatory, and hidebound by red tape. The idea is impractical and is bound to fail to achieve the purpose. Thirdly, it is not only impractical, it is also against the whole tenor and set-up of the present Indian Constitution and will involve undesirable re-adjustment of existing constitutional values in relation to parliament, state legislatures and judges of the supreme court and the high court. This Ombudsman will, in time be the super-parliament, the super-legislature, the super-minister, and in the name of Indian democracy, God forbid, the super-judge. He will have the road to dictatorship in India, a reign of espionage under the cover of bureaucratic tyranny, and a grievance-oriented state constitutionally encouraging a society of grumblers and critics. It is expected that the authorities will think twice and reflect wisely before taking such a disastrous step of demoralizing the whole administration and plunging the state into administrative chaos and confusion from which it will be difficult to emerge.

### *British Adaptation*

The British administrative wisdom in this respect is worth recalling. In Scandinavia, the original Nordic home of the Ombudsman, there appears no comparable responsibility of ministers to parliament, whereas in India and Great Britain, ministers are constitutionally responsible to parliament and there is the constitutionally and conventionally recognized right of members of parliament to ask questions of ministers and call for redress and remedy of grievances and injustice done to individual citizens or other interest in society. Therefore, Great Britain resisted the introduction of an Ombudsman and had in his place only a parliamentary commissioner who was merely to supplement the task of the member of parliament. That is why, the British

White Paper on this point utters the caution in the following terms:

In Britain, Parliament is the place for ventilating the grievances of the citizens—by history, tradition, and past and present practice. We do not want to create any new institution which would erode the functions of members of Parliament. We shall give members of Parliament a better instrument which they can use in this respect.

Therefore, the British Commissioner is only a servant of the House of Commons and able to act only at the instance of the members of parliament, to whom the individual citizens must first make their complaints. One only hopes that Indian statesmanship will see the wisdom of these words of caution before creating this new institution in pursuit of a Scandinavian model, irrelevant and detrimental to the principles enshrined in the Indian Constitution.

*Imitation to be Avoided*

It seems to me, we are bedevilled with imitation. We are taken up too easily with novelties in law. Ombudsman and commissions are the new fashions of legal thinking. Anything wrong anywhere, create a new office or set up a commission as though it is universal legal anodyne. It is time to say that they are serious infractions on the rule of law. Commissions are unavoidable sometimes in matters of state-wide or nationwide public importance. But commissions are not the ordinary rule of law but exceptions to it. Exceptions in exceptional circumstances should not provide materials for ordinary constitutional norms or permanent constitutional impositions. But where individual rights and wrongs are involved of persons, be they public officers or private citizens, I shall insist on the full and free operation of the rule of law and access to the ordinary courts of the land. By all means remove, by legislation, procedural defects in this respect, but I will not subscribe to the creation of competing institutions to compete with the courts and ordinary laws by which all should be governed. I have no doubt that an institution like an Ombudsman will be an excuse for tyranny and maladministration. An Ombudsman is contrary to the basic spirit of the Indian Constitution and unless one is prepared to throw the whole Indian Constitution, lock, stock and barrel, overboard, an Ombudsman cannot fit into the Indian Constitution. It will denigrate the Constitution. It will denigrate the judiciary. It will denigrate parliament and the state legislatures. Soon after the Ombudsman, we will have to have an Ombudsman for the Ombudsman. The Ombudsman in India will be a new 'star-chamber' with a different Indian instead of a Nordic name.

There are today on the Indian scene, not by the Constitution but by legal and administrative fiat, two special authorities worth noticing. One is the Vigilance Commission with the vigilance commissioner and the other the commissioner of public grievances. If the numerous government and administrative departments with still more numerous officers cannot exercise vigilance and discover public and private grievances, is it being seriously suggested that one vigilance commissioner or more, or a commissioner of public grievances will do the miracle? What guarantee is there that they will not go the way that the myriad departments and numerous officers have gone? I see no hope in these legal fancies and proliferations. Vigilance and sensitiveness to grievances have to be spontaneous and self-springing and not imposed. That is the way to improve government and administration. The point here to emphasize is that with the prospective Ombudsman, the Vigilance Commission, and the commissioner of public grievances, India has an unholy trinity to threaten the rule of law.

#### CHALLENGE TO THE RULE OF LAW

The rule of law is really an antidote to power and its abuse. It has been well said, "All power corrupts. Absolute power corrupts absolutely." The official or the executive who today possesses the power does not realise when he is exceeding his limits. Lord Denning, in his Hamlyn Lectures "Freedom under the Law", describes it as insidious and so insidious that the official or the executive often believes that he is acting for the public good when in fact he is only asserting his unjustified and brief authority. Lord Denning said, at page 100: "The Jack-in office never realizes that he is being a little tyrant." The most important task of the court and the rule of law is that the powers of the executive are properly used, honestly and reasonably, for the purposes authorized by parliament and legislatures and not for any other consideration. Lord Denning posed this problem in the following terms, at page 103 of his Hamlyn Lectures: "The problem before us today is not so clear cut. It is more subtle, as is to be expected in a more complex society, but it is in principle the same, and it must be solved by the courts and not civil war. For today the executive have great powers over the lives and property of every one of us. No one will dispute that the powers exist, for Parliament has granted them, but the question is what remedy the courts provide if they are misused or abused."

This is the greatest challenge to the rule of law in the modern age. In the realm of the rule of law, the exercise of these executive powers is the frequent and recurring source of irritation and protest, specially when these powers relate to search, seizure, and entry. They produce

direct conflict between the rights of man and the rights of the state. Many new powers of search and entry are today recognized in modern statutes. Enforcement officers from the Income Tax Department, Customs Department, Excise Department, Food Department and many other government executive agencies are today clothed with the right to enter shop and residential premises to inspect goods and call upon the shopkeeper and the householder to produce his goods and papers. Factory inspectors, sanitary inspectors, town planning or municipal officers and a whole host of miscellaneous officers of the government may enter all kinds of premises for various purposes. It is said that the officials of the ministry of supply of England may enter an Englishman's house, no longer a castle, in order to see if he is doing research into atomic energy and the officials of the Agricultural Committee can enter an Englishman's land to see if he is farming it properly. Many parliamentary and state statutes in India bear testimony to these powers. Many of these powers conferred on such officers are much greater than those conferred on the ordinary police, with which the rule of law was so long familiar. In some cases, it is not necessary for these officers, as it is for the police, to get a search warrant even from the magistrate, nor even is it necessary for them to show to anybody else outside themselves, that they have reasonable grounds for thinking that an offence has been committed or the law which they are asked to administer has been violated. All that they need to be armed with is a duly authenticated power from an official of their own department.

While it is possible to make the rule of law effective against the misuse or the abuse of power, it has remained a passive spectator in instances of non-use of legitimate powers. Very often a public authority has power to issue a licence but equally often that authority indefinitely delays consideration of application for such licence. The question arises whether in such a case the aggrieved person has a remedy. What is the legal position where a man's house leaks because he needs a licence to do the repairs, but the legal authority puts off issuing the licence indefinitely while water gets in and damages his goods. Similarly, some one may have urgent work or business abroad and the Treasury may delay consideration of his application for necessary currency with the result that the man loses the business or the work. Lord Denning points out that unlike *Droit Administratif* in France on this point of non-user of power there is no corresponding principle in English law to deal with such cases of non-use of powers. To some extent, writs such as *mandamus*, are of help in this respect as part of the rule of law.



## THE CASE FOR AN OMBUDSMAN

Therefore, the whole question of Ombudsman is reduced to this. There are many injustices and in many areas of law today where complaints of its abuse, misuse or non-use are frequently made. Not all of them come to court. There is also public grievance which is accumulating in the country. Something has got to be done. Ombudsman as a person receiving complaints is one thing but as a punishing authority it is quite a different proposition. The shifting of complaints is a procedure which is understandable.

### *Indian Complaints*

Formerly, these complaints were made to every department which had an organization to deal with them. Without such a self-reliant machinery, these complaints will never be actually disposed of. Disciplinary control of the public officers has weakened in the modern days. This is the basic problem.

Then there is another aspect of the problem in the parliamentary and democratic system of government. A member of parliament is saddled with the primary task of receiving complaints from his constituency and focusing the attention of parliament and the state legislature. To assist him effectively, an organization might be set up to deal with these problems.

The things that require to be avoided in a set-up, such as the Government of India, under the Constitution may be summarized. First, in a parliamentary system, where parliament and the state legislatures are the sole authority to focus public attention to these matters, nothing should be done to undermine the authority of parliament. The second is the rule of law which prevails in this country. It will not be safe to undermine the authority of public prosecutors who are well accepted today. They should be assisted and responsibilities given to them without unnecessary fetter to proceed against an offending public servant by an appropriate complaint.

### *Administrative Reforms Commission's Proposal*

In India, the proposal was mooted by the Administrative Reforms Commission, 1966. According to such report, there should be one authority dealing with complaints against the administrative acts of ministers or secretaries to government at the Centre and in the states. There should be another authority in each state and at the centre for dealing with complaints against the administrative acts of other officials. All these authorities, it was recommended, should be independent of the executive as well as the legislature and the judiciary, but it was pointed out that setting up of these authorities should not, however, be



taken to be a complete answer to the problem of redress of citizens' grievances. It is also suggested by the Administrative Reforms Commission that the present system of Vigilance Commissions, wherever operative, will then become redundant and would have to be abolished on the setting up of the institution. It is there that the Ombudsman of India was designated as 'Lokpal' and the Ombudsman for other officials as 'Lokayukta'.

The following main features of the institutions of Lokpal and Lokayukta are recommended by the Administrative Reforms Commission:

1. They should be demonstrably independent and impartial.
2. Their investigations and proceedings should be conducted in private and should be informal in character.
3. Their appointment should, as far as possible, be non-political.
4. Their status should compare with the highest judicial functionaries in the country.
5. They should deal with matters in the discretionary field involving acts of injustice, corruption or favouritism.
6. Their proceedings should not be subject to judicial interference and they should have the maximum latitude and powers in obtaining information relevant to their duties.
7. They should not look forward to any benefit or pecuniary advantage from the executive government.

Such Lokpal should be appointed by the President on the advice of the Prime Minister, which would be tendered by him after consultation with the Chief Justice of India and the Leader of the Opposition. The Lokpal is suggested to have the same status as the Chief Justice of India. His tenure will be 5 years, subject to eligibility for reappointment for another term of five years in accordance with the same procedure. He may, by writing under his hand addressed to the President, resign his office. He will not be removable from office except in the manner prescribed in the Constitution for the removal from office of a judge of the supreme court. He cannot be a member of any legislature.

Lokpal will have the power to investigate an administrative act done by or with the approval of a minister or a secretary to government at the centre or in the state, if a complaint is made against such an act by a person who is affected by it and who claims to have suffered an injustice on account of that act. In this context, an act would include a failure to take action. He may, in his discretion, inquire into a complaint of maladministration involving not only an act of injustice but

also an allegation of favouritism to any person. It is suggested that Lokpal may *suo motu* investigate administrative acts of the types described above which may come to his notice otherwise than through a complaint of an adversely affected person.

The Administrative Reforms Commission, however, excluded certain areas from the purview of the Lokpal as follows:

1. Action taken in a matter certified by a minister as affecting the relations or dealings between the Government of India and any foreign government or any international organization of states or governments;
2. Action taken under the Foreigners Act;
3. Action taken for the purpose of investigating crime or protecting the security of the state, including action taken with respect to passports;
4. Action taken in the exercise of power in relation to determining whether a matter shall go to the court;
5. Action taken in matters which arise out of the terms of contract governing purely commercial relations of the administration with customers or suppliers except complaints of harassment or delays in the performance of contractual obligations;
6. Action taken in respect of appointments, removals, pay, discipline, superannuation or other personnel matters;
7. Grant of honours and awards;
8. A decision made in exercise of his discretion by an administrative authority unless the elements involved in the exercise of discretion are absent to such an extent that no discretion has been exercised at all;
9. Any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal;
10. Matters in respect of which a person aggrieved has or had a remedy by way of proceedings in any court of law; and
11. An administrative decision which was taken more than 12 months before the date of the complaint.

On receipt of a complaint from a person claiming to have suffered, the procedure for dealing with it is as shown in the following paragraph.

Lokpal will scrutinize the complaint and come to a conclusion as to whether he has jurisdiction to deal with it and, if so, whether the case is worth investigation. If his conclusion is in the negative on either of these points, he will reject the complaint and inform the complainant accordingly.

If he decides to take up the investigation, he will, in the first instance, communicate the complaint to the administration and invite the administration's comments thereon. At this stage, it may be possible for the administration to rectify, on its own, any faulty decision made by it, or it may seek to establish the correctness or justice of the action taken. Lokpal, on receipt of the administration's comments will decide whether the complaint is actionable and inform the complainant in case the faulty decision has been rectified or he has decided not to take any further action. In those case in which he decides to proceed with the investigation, if, on its completion, the Lokpal is satisfied that there is no cause for grievance, he will inform the complainant accordingly and close the case. If, however, he considers that an injustice has been done to the complainant, he will suggest to the administration remedial action where it is possible for it to provide the remedy. If his recommendation is accepted, the case will then be closed. If, however, the recommendation is not accepted, it will be open to him to make a report on the case to the Prime Minister or chief minister of the state, as the case may be. The Prime Minister or the chief minister will inform the Lokpal of action taken on the reference within two months. Thereafter he may, if he is dissatisfied with the action taken, bring it to the notice of the parliament or the legislature, as the case may be, through an *ad hoc* report or through the annual report. The administration's explanation in its defence will also be brought out in the report. Also, if the Lokpal considers, as a result of his study of any case or cases, that an amendment of the law would be justified, he can make appropriate recommendations to the prime minister or chief minister, as the case may be. The above mentioned procedure will apply *mutatis mutandis* to investigation taken up *suo motu* by the Lokpal.

If, during his investigations, he finds that a case involves criminal misconduct or would justify criminal proceedings, he will report to the Prime Minister or the chief minister, as the case may be, who will take further action in the matter within two months of the receipt thereof and inform the Lokpal of the action taken.

At the beginning of each year, the Lokpal will submit a report to the legislature concerned on his activities during the previous year. Besides giving a summary of the case disposed of by him, he may indicate the need for amending any law in order to remove occasions for unintended hardship experienced as a result of the administration of the existing law.

So far as the Lokayukta is concerned, the suggestion was that he will be concerned with problems similar to those which will face the Lokpal in respect of ministers and secretaries though, in respect of action taken at subordinate levels of official hierarchy, he will in many cases have to refer complainants to competent higher levels. The suggestion

was perhaps powers, functions and procedures may be prescribed *mutatis mutandis* with those which are laid down by the Lokpal. His status, position, emoluments, etc., should, however, be analogous to those of a chief justice of a high court and he should be entitled to have free access to secretary to the government concerned or to the head of the department with whom he will mostly have to deal with to secure justice for a deserving citizen.

*The Bill for Lokpal and Lokayukta, 1968*

In the Bill circulated as "the Lokpal and Lokayukta Bill, 1968", it has been provided that the Lokpal may investigate any action which is taken by or with the general or specific approval of a minister or a secretary or any other public servant being a public servant notified by the Central Government in consultation with the Lokpal in this behalf except as provided in the Bill. The Lokpal or Lokayukta shall not conduct any investigation under this Act in case of a complaint involving a grievance in respect of any action: (1) if such action relates to any matter specified in the second Schedule, or (2) if the complainant has or had any remedy by way of proceedings before any tribunal or court of law, or (3) any complaint involving a grievance if the complaint is made after expiry of 12 months from the date on which action complained against has become known to the complainant, or (4) any complaint involving an allegation, if the complaint is made after expiry of 5 years from the date on which the action complained against is alleged to have taken place.

The Second Schedule to the Bill enumerates the following matters as beyond purview of the Lokpal: (1) action taken in the matter certified by the secretary as affecting the relation between the Government of India and any foreign government or any international organization or state or government; (2) action taken under the Extradition Act, 1943, or Foreigners Act, 1946; (3) action taken for the purpose of investigating crime or protecting the security of the state, including action taken in respect of passports and travel documents; (4) action taken in the exercise of power in relation to determining whether a matter shall go to the court or not; (5) action taken in the matter which arises out of the contract governing purely commercial relation of the administration with customers and suppliers, except where the complainant alleges harassment or gross delay in meeting the contractual obligation; (6) action taken in respect of appointment, removal, superannuation and other matters relating to condition of service of public servant but not including action relating to claim for compensation, gratuity, provident fund or to any claim which arises on retirement or termination of service; and (7) grant of honour and award.

Subject to the provisions of the Act, the Lokpal may investigate any

action which is taken by or with the general or specific approval of: (1) a minister or a secretary, or (2) any other public servant, being a public servant notified by the Central Government, in consultation with the Lokpal in this behalf, in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Lokpal, subject of a grievance or an allegation.

In the statement of Objects and Reasons in introducing the Bill, it is said that in its scope it differs from the draft Bill proposed by the Administrative Reforms Commission in two major respects. Firstly, it does not extend to public servant in the state. Secondly, it does not confine itself to ministers and secretaries alone. In other words, the Bill seeks to provide a statutory machinery to enquire into the complaints based on action of all Union public servants, including ministers. The scope of the Bill is wide when one considers the definition of a public servant which leaves many gaps to be filled up.

#### A WORLD VIEW OF OMBUDSMAN

In 1955, only three Scandinavian countries—Sweden, Finland and Denmark—had an Ombudsman system. In 1962, two more countries—Norway and New Zealand—adopted the same. Since then, the scheme has been adopted in five other countries around the world—Guyana, Mauritius, the United Kingdom, the Canadian provinces of Alberta and New Brunswick, and the American State of Hawaii. In addition, West Germany set up an Ombudsman for the armed forces in 1957, and the State Comptroller in Israel has assumed the complaint-handling function of an Ombudsman. By middle of 1967, variations of the Ombudsman system existed in 12 countries. Not only that, but the scheme has been officially proposed or is being actively discussed in many other places around the world. Why has this Ombudsman idea spread so rapidly in recent years? A short answer is that the growth of the welfare state had made necessary new protection for bureaucratic mistakes and abuses of power. The Ombudsman is a novel and allegedly appropriate institution for dealing with the average citizen's complaints about unfair administrative action. It differs from our traditional methods of dealing with grievances and is supposed to have important advantages over these methods.

The important feature in all systems of Ombudsman so far proposed is that, because of the simple and cheap way in which complaints are handled, many minor complaints can be satisfied. Though important to the complainant, they would not be worth the cost of an elaborate court procedure. Many cases involve no more than explaining to the bewildered citizen the reasons for the decision of which he has com-

plained, and warning the government office in question that in future it should give adequate reasons for its decisions. Other examples of minor grievances are complaints about getting no answer to an application, leisureliness in replying to mail, giving insufficient information on a right of appeal, and delay in making decisions. Nevertheless, some of the Ombudsman's most valuable work has been done on serious cases of illegality involving the liberty of the subject, such as the unjustifiable use of handcuffs or the recording of telephone conversations by the police, or an assault by a nurse on a mental patient.

Of greater relevance to American discussions is the recent proposal for India. India is a huge quasi-federal state, with a heterogeneous population. Some of the problems of adjusting the plan to fit such a country are similar to those in the United States. The Ombudsman idea has been discussed in India for several years and proposals have been made at both the state and federal levels.

In the United States, the Ombudsman idea has recently become so popular that the word 'Ombudsman' is now being used to describe any new complaint-handling or appeal machinery. Thus, the term Tax Ombudsman has been applied to a federal proposal by Senators Warren Magnuson and Edward V. Long to appoint administrative appeal court judges for small tax claims. The most serious misapplication of the term has been to complaint officers who are appointed by and responsible to the executive side of government.

The controversy over Ombudsman appears to have blown over. At one stage, the interest in Ombudsman was very keen. It even extended to international sphere where Prof. Frank called attention to the "three treaty proposals—the Civil and Political Rights Covenant, its accompanying Protocol, and the Convention on Racial Discrimination—in which the United Nations have constructed two committees that could serve powerfully as Ombudsmen for World wide human rights".

The Ombudsman has to be considered in the background of the political systems in a country. Ombudsman's opponents are some of his best friends, those who expect too much of him. The Ombudsman can encourage continuing improvement in a basically sound and honest administration. He cannot correct basic injustices, even though he may protest against that. Problems of poverty, prejudice and ignorance will not be solved by shunting them on to the shoulders of a single Don Quixote.

'Ombudsmania' can be identified by one key characteristic. It would give the Ombudsman power to change administrative decisions, power to prosecute brutal policemen, and power to modify faulty regulations. Such an Ombudsman would be a chief executive, legislature and judge rolled into one. The frustration of trial-and-error democracy



sometimes gives rise to an understandable longing for an all-powerful father-figure. By virtue of his wisdom, the Ombudsman would seem to fill the role; the same wisdom leads him to decline it. He declines not only because such a role would be authoritarian, but because he cannot in fact fill it. For him, to try do so would be merely to create a 'para-government' recapitulating all the shortcomings of the primary government.

#### WHAT CAN OMBUDSMAN REALLY ACHIEVE

What, then, does an Ombudsman accomplish that present institutions do not? Any particular grievance could conceivably be rectified through the intervention of a friend, neighbour, relative, lawyer, newspaper or legislator or even directly by the agency who inflicted it.

The lawyer's fee often makes him inaccessible. When others help, they do so as charity. Substitution of an Ombudsman means that evil imposed by government is rectified by government, and rectified as a primary responsibility rather than as a haphazard favour from a busy legislator. Law makers have a right to intervene, and so do we all. The Ombudsman has a duty to do so in cases where he believes they merit. Others who volunteer usually lack expertise and impartiality. They are amateurs and advocates.

One possible contribution of the Ombudsman stands out in the zone of secondary impact. Citizens' complaints are symptoms of governmental malaise. To be useful in diagnosis, they must be examined by a specialist. The Ombudsman really does not undertake to root out underlying causes of social sickness.

Finally, the Ombudsman assists in the restoration of balance between the legislative and the executive branches. Size and complexity have overwhelmed, often underpaid, understaffed and overextended lawmakers. The Ombudsman can free the legislator from the harassment of trivial matters, while turning minute complaints into a mosaic which the legislature should find helpful in supervising bureaucracy.

Each of these services represents a substantial increment to the traditional complaint-handling function of Ombudsman.

There are countries of western Europe that have a highly developed system of administrative courts, such as France, Italy, Germany and Austria. A common initial reaction of persons from these countries to the Ombudsman scheme is to say that it is not needed because administrative courts do the job instead, and any way, it could not be fitted into the administrative court system. Turning now to the countries that have inherited the common law and have no system of administrative courts, there is an important distinction between the many that



have copied the British cabinet system of government, with a union of executive and legislative powers, and those like the United States that have adopted a separation of powers. Regarding the latter countries, the deficiencies in their present legal systems seem to be much the same as in other common-law countries and speak in favour of an Ombudsman scheme. However, because of the separation of powers and the traditional struggle between the executive and the legislature, it may be objected that an Ombudsman would be regarded with suspicion by the executive departments as a biased agent of the legislature. In the United States of America, because of the highly politicized nature of the presidency and of the top administrative posts, an Ombudsman would be likely to be caught up in partisan politics.

Many of the problems raised by the separation of powers might be overcome by creating a plural Ombudsman—a Complaints Commission whose members would be appointed jointly by the executive and the legislature. For its effectiveness would lie not so much in its direct relationship to the legislature as in its easy accessibility to the citizens, its power to investigate, the reasonableness of its opinions on cases, and its ability to bring them to the attention of the public. In the countries with monarchical tradition or with the British system where adopted, the previous strength of the royal power has led the courts to inherit a tradition of no fetters on executive discretion and of reticence about reviewing administrative action. This tradition has been preserved in recent times by the convenient assumption that it is the job of parliament to control the administration and that, therefore, any complaint about administrative action other than its clear illegality should be left to parliament to deal with. The courts have only hesitantly entered the arena by marking out a vague area of so-called judicial or quasi-judicial administrative action for review, and the legal procedures for bringing the administrative cases before the courts are archaic and complex in most Commonwealth countries. Because of parliament's inability to cope with the situation, our simple faith in the doctrine of ministerial responsibility has often resulted in something dangerously close to administrative irresponsibility. An Ombudsman scheme is, therefore, put forward as a healthy step in the direction of a better balance between the rights of the citizen and the powers of the State or of the Crown.

Prof. Abel has pointed to a number of common characteristics of the Commonwealth parliamentary systems with which an Ombudsman would have to make his peace, though these may mean that the Ombudsman scheme would work somewhat differently. Federal systems, such as those in India, Canada and Australia, would, of course, require considerable adjustment before Ombudsman can be introduced at Central and state levels of government. The size and population of

some countries might call for a collegial body, a Complaints Commission. Otherwise, as New Zealand's experience to date demonstrates, an Ombudsman can be fitted into the Commonwealth parliamentary system with minor adjustments and even some of these designed to assuage the sensitivity of ministers, were not necessary.

The general characteristic of all Ombudsman's scheme reveals the following features. Firstly, the Ombudsman is an officer of the legislature and not of the executive. Secondly, he is an impartial investigator and is politically independent even of the legislature. Thirdly, a significant limitation upon Ombudsman's power is unlike other courts. He has no right to quash or reverse a decision and has no direct control over the administration. He has right to investigate, to get the facts and then report. Fourthly, he has power to investigate on his own initiative. Fifthly, his method of handling appeal against administrative decision is—unlike that of the court—direct, informal, speedy and cheap. All that is required to initiate an appeal is for the complainant to write a letter.

So long, the executive, the legislature and the judiciary were regarded as the free organs of the state. Ombudsman today represents a different organ. It seems to me that, quite apart from the doctrine of separation of powers, this institution is fraught with great danger. Administrative procedures must be improved, parliamentary control must be made more effective and review of the courts made more simplified. If on these three fronts progress is maintained, much of the case for Ombudsman would disappear. □

# The Citizen and Planning\*

V. Subramanian

A SANSKRIT aphorism declares that what is ordained by Fate cannot be obliterated. Fatalism has been the curse of the East as materialism has perhaps been the strength of the West. But the disdain of the East for the materialism of the West is only equalled by the disdain of the West for the fatalism of the East. Must we continue in the shadow of such helplessness or shall we exercise ourselves about our future and how we should plan it? Should we in this era of the atomic age leave our posterity to the coils of circumstances or should we do something to ensure that we have a better future? The answer cannot be in doubt. There may be a destiny which 'shapeth our ends'. But the future is not for the Lotus Eaters or for those who find happiness in surrender. The future is what we can make out of it, and what we can make out of it depends on how we plan our affairs, our politics and our economics. The Roman Philosopher Seneca said that "God divided man into men that they may help each other." In planning for today and in planning for tomorrow nothing is more important than mutual help.

## THE CONCEPT OF PLANNING

Even before the achievement of independence, the Indian National Congress had set up a National Planning Committee of which Jawaharlal Nehru was the chairman. Intellectuals and social thinkers were also keenly aware that the development of this country as well as its goals should be properly planned. The concept of planning, therefore, cannot be said to have been new. Since the establishment of the republic, we have had four Five Year Plans and we are in the second year of the Fifth Five Year Plan. On account of certain extraordinary and unavoidable circumstances, the Fifth Plan itself has not been finalised. However, it cannot be said that in the various aspects relating to the plans, *i.e.*, policy, implementation or evaluation, the participation of the citizen has been substantial. However, the ambition of both the planners as well as the rulers has always been to involve the citizens in various aspects of planning. The publication of the drafts of the five year plans with a

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view to generating interest and provoking discussions, the consideration of the drafts of these plans at various meetings of political parties and at other forums of public opinion, discussions at the National Development Council, deliberations of groups of economists, statesmen and sociologists and the presentation of the draft plans to the national and the state legislatures are all steps in that direction. The preparation of the national five year plan is accompanied by the preparation of the five year plans of the various states and thus at the various stages of formulation of the plans opportunities for exchange of ideas are provided. However, citizens' involvement in the plans has neither been full nor even appreciable till now. It was to remedy this state of affairs that the concept of district, area and multi-level planning has emerged. In this sphere also little has yet been done and excepting in a very few states, multi-level planning is just a slogan. Since the involvement and the participation of the citizen in the process of planning requires association at the grass-root level, it is obvious that we need to go very far before we can say that the citizen has been completely or substantially involved or enabled to participate in the planning process. No wonder, therefore, that in the Approach to the Fifth Plan the statement appears that the "Fifth Plan must be truly a people's plan in every sense of the term".

There are various aspects of planning in relation to which citizen participation can be considered. These include policy and objectives, formulation of programmes of action, implementation of programmes and evaluation of achievements and result. We shall consider each one of these aspects separately and examine the extent to which citizen participation in each aspect is feasible and, where such participation is required in fuller measure, what steps are necessary with a view to bringing this about.

#### POLICY AND OBJECTIVES

It will be extremely difficult for the ordinary citizen excepting through his representatives elected or otherwise to participate in outlining directions of policy or objectives which need to be kept in view. But leaders of public opinion, thoughtful individuals who are able to understand and articulate the aspirations and responses of groups of citizens and give the inchoate desires of the citizen a habitation and a name are able to project before the planners and rulers the directions of policy and the objectives of national and state planning. The interaction between the framers of the plan and these representatives of the citizens as well as the practical conclusions which emerge from these discussions really form the core of the policy and objectives of planning. Besides, policy and objectives also stem from certain fundamental principles embodied in and directives given by the constitution of the country and to that

extent, therefore, the framers of the plan have to chart their course according to a particular direction. Obviously, whatever be our democratic aspirations, there is a limitation to the participation of the individual citizen in the sphere of policy and objectives. Sporadic expressions of view by citizens in this sphere cannot amount to a participation in any full sense of the term. The limitation of the citizen involvement in this sphere is a hard reality.

#### FORMULATION OF PROGRAMMES

The second aspect of planning in which a more effective and direct participation by the citizen is possible is in the formulation of programmes of action. In states where a decentralised pattern of administration is prevalent and authority is exercised at different levels of the administrative hierarchy, it is possible for the demands and aspirations of the people which get expressed during deliberations at different political levels to get themselves transformed into practical programmes of action. Some of these programmes of action may fall within the sphere of the lowest decentralised unit of administration, some in the sphere of the middle levels of the hierarchy and some may yet fall in the sphere of state administration. There may still be a few programmes which may have to be initiated on the basis of a national policy and this would, therefore, require deliberation at the national level.)

For example, in a state like Maharashtra in which the decentralised units of administration enjoy a considerable amount of authority, it is easy to see that the deliberations of the panchayat and of the panchayat samiti in which a larger measure of direct participation by the citizen is possible, get themselves projected as programmes of action by the zilla parishad which is the decentralised unit of development at the district level and which enjoys considerable autonomy so far as the rural areas are concerned. The programmes of action which are transmitted from the panchayat level up to the zilla parishad get themselves filtered, sophisticated and crystallised by the discussions in the zilla parishad. The zilla parishad in turn transmits these programmes of action to the state government for further discussion and consideration in the context of the needs of the state as a whole whereafter these get embodied in the State Plan. The reverse flow of this process is also important because it indicates how, after the programmes of action are discussed at the state level and a draft plan is prepared, this is again disaggregated between the state and district sectors of the plan. These programmes are thereafter again reformulated at the district level after taking into account the modifications suggested at the state level in order that the plan may conform to national and state policies and priorities. Thus the entire

participation at all levels is ensured.

But such participation would be meaningless and infructuous, if at the same time an understanding and tolerance is not shown at different levels. For example, at the state level it would be of the utmost importance to appreciate the aspirations and needs of the local population, the special problems at the district and sub-district levels, the necessity to ensure that minimum needs are satisfied at the lower levels of administration. Similarly, at the lower levels of administration, there is a need of considerable understanding of national and state priorities and policies and of the need to conform to such policies because the strength of the state lies in the close-knit and mutually responsive functioning of the different units. Mutual tolerance can only lead to mutual strength and thus a solidity is acquired by the political fabric which is one of the most important requisites for proper and effective long term planning.

#### *Machinery of District Planning*

The formulation of the Fifth Five Year Plan and the Annual Plans in Maharashtra is an excellent illustration of what has been mentioned above. The twin national objectives, viz., the eradication of poverty and the attainment of economic self-reliance were the pole star and the 15-Point Programme enunciated by the Maharashtra Government the ship's charter. Within these limits, on the basis of the assessment of the financial resources likely to be available during a five year period, the plan was formulated. The state had adopted the concept of district level planning not merely as an ideology but as a profound practical step for the full and intensive development of the districts and for redressing the imbalance between the different units of the Maharashtra State. District Planning was not a concession or a sop to satisfy agitators or disgruntled politicians. It was a pragmatic and at the same time a far-sighted concept which would enable the different units of the state to blossom to their full strength and thereby induce an overall contentment in the entire political and administrative system.

The total resources of the plan were, therefore, divided into 2 parts— a state sectoral part and a district sectoral part. Sixty per cent of the plan ceiling was reserved for the district sector and the remaining 40 per cent for the state sector. The identification and allotment of definite resources for the district sector of the plan infused considerable confidence in the districts about the possibilities of at last giving their desires concrete shape by evolving practical programmes of action. Some specified programmes were designated as state level programmes and the entire residuary sphere was considered as district level programmes. Quite obviously, the emphasis was on the supreme importance of the district and it was this more than anything else that lent a reality to district planning. By and large the criteria for determining whether a

scheme belonged to the state sector or the district sector were the locations of the programme and the areas which were to benefit by the programmes. Schemes like generation and distribution of power, major irrigation projects costing over Rs. 5 crores, investments in corporate sectors and other institutions, surveys, research and training programmes, administrative and residential buildings, universities including agricultural universities and institutions of professional education like engineering and medical colleges, but excluding arts, science and commerce colleges and polytechnics, state and national highways and ports were all state level schemes. On the other hand, programmes like agriculture production, medium and minor irrigation, soil conservation, ayacut development, animal husbandry, dairy development, forest, fisheries, warehousing and marketing, co-operation and community development, small-scale industries, education, social welfare and backward classes, etc., were district level schemes. However, as has been pointed out earlier, all programmes which were not specifically included in the state sector belonged to the district sector.

The deliberative and the consultative bodies for planning at the district level in Maharashtra were the District Planning Consultative Council and the District Planning Board. However, they did not provide for representation of and participation by all shades of public opinion or by the representatives of the citizens belonging to all political parties. Therefore, these bodies have been reconstituted. There is first, a District Planning and Development Council which consists of all members of the state legislature and parliament from the district, other important non-officials such as the president of the zila parishad, the mayor of the municipal corporation or president of the municipal council, important economists, sociologists and educationists, etc. This is intended to be a deliberative body to advise the government at the state and the district level in all aspects of planning, viz., policy and objectives, formulation of programmes, implementation and evaluation. The constitution of this body thus not only enables the thinking of the citizens to be reflected participatively in the deliberations on the planning process but also to establish a bridge between the District Planning body and the government and between the District Planning body as well as the government on the one hand with the state legislature and parliament on the other. In other words, the interaction between different levels in regard to all aspects of the planning process is thus considerably facilitated.

However, realising that all the deliberations and the advice tendered by large bodies of public opinion will have no meaning until it is crystallised and concretised into action, an executive committee of the District Planning and Development Council has also been constituted at the district level. The executive committee is a compact body consisting



of the minister in charge of the district as its chairman, the divisional commissioner, the district collector, the president and the chief executive officer of the zilla parishad, the chairman of the District Central Co-operative Bank, the manager of the Lead Bank in the district and two non-officials allocated by the District Planning and Development Council. Whereas the council will for the purpose of its deliberations and advice-giving function meet two or three times in a year, the executive committee will by a body meeting from time to time and charged with the responsibility of implementing the various decisions of the planning process and for overseeing from day-to-day the method, the progress and the speed of the implementation of the various programmes of action and also for ensuring that the participation of the citizens and their representatives in the planning process through the District Planning and Development Councils finds an encouraging as well as positive response in the formulation of policies and in decision-making of various programmes of action.

Similarly, at the state level, the government has constituted a State Planning and Development Council with the chief minister as chairman and consisting of some ministers, educationists, social thinkers of distinction, prominent economists, dedicated representatives of finance, business, commerce and labour and senior officials concerned with the planning process as members. With a view to enabling the state to profit from the experience of other states, the state government has nominated on this Council a few prominent persons from outside the state. Like the district counterpart, this council is a deliberative and advisory body which will concern itself with all the important aspects of the planning process. The executive instrument for translating these deliberations and advice into action is a small and compact sub-committee of the state cabinet which consists of the chief minister, the minister (irrigation), the minister (industries), the minister (finance), the minister (revenue and urban development), the chief secretary and the planning and finance secretaries. The state government has also established a separate Department of Planning in the Secretariat for the coordination of all aspects of planning including formulation, implementation and evaluation.

The object of describing at some length, the planning machinery established by the state government is not merely to indicate the seriousness which the state government attaches to planning but also to illustrate how the participation and the involvement of the citizens and their representatives in all aspects of the planning process has been ensured by the establishment of these deliberative, advisory and executive bodies. The effectiveness of the participation and involvement will, in the ultimate analysis, depend not only on the capacity and inclination of the citizens to articulate in a constructive and positive manner their aspirations and ideas but also on the positiveness of the response of the

state government to these aspirations. A sensitive appreciation of the citizens' point of view and the ability of the Planning machinery to guide the implementation of programmes with a view to achieving the declared objectives of these programmes in full measure will make for a strong rapport between the citizens and the administration and for successful as well as effective planning.

#### PROCEDURE FOR PREPARATION FOR FIFTH PLAN

A few words about the process of district planning will not be out of place because that will indicate more than anything else how the association of the citizens and their representatives in the formulation of programmes of action was ensured. In order to enable the District Plans to be prepared the district planning bodies had to undertake a number of exercises. These are briefly indicated below:

1. Statistical and economic data collected for ascertaining the level of development reached in each district related to 1968-69. These data had to be brought up-to-date. Similar data had to be collected by the district for each taluka or panchayat samiti. Steps were taken to circulate the survey of potential in each district regarding agriculture, animal husbandry, dairy, fisheries and forests. The District Planning Board was required to update these surveys and also undertake fresh surveys regarding potential and resources for development and also regarding employment and under-employment.
2. The socio-economic indicators revealed that no district was backward in all respects. However, in certain areas emphasis had to be laid on development of certain sectors. The District Planning Board had, therefore, to update the indicators, on the basis of panchayat samiti areas so that the District Plan could be oriented towards removal as far as was possible of intra-district imbalances.
3. Close scrutiny of existing schemes had also to be undertaken by the District Planning Board in order to see whether they were required to be continued or dropped or whether any modifications were necessary in the existing pattern of implementation. Departures in the existing pattern which were necessary in the interest of accelerated development and achievement of objectives had also to be considered and wherever feasible had to be recommended for adoption. However, basic specifications such as those for a village road or a school building, and cost norms had to be uniform except for adequate justification to the contrary.
4. The District Planning Board thereafter had to prepare a district

map indicating the level of development in the different sectors so that the picture of the district at a single glance was available.

5. The District Planning Board had also to prepare a list of schemes under various sectors and arrange them according to priorities. The financial outlay and physical targets contemplated thereunder were also required to be indicated. Proposals received from panchayat samitis and village panchayats and other local organisations had to be fully considered while determining priorities. It should not be considered necessary to have the same type of schemes even within the same sector for each of these districts. The schemes may differ in different districts taking into consideration the local conditions and the overall ceiling for the district plan.
6. The District Planning Board had then to prepare a master plan for the district indicating a list of productive and labour intensive works. While some of these works could be included in the district plan depending upon their priority, the remaining works had necessarily to be recommended for taking up in the event of natural calamities. For this purpose, it was necessary to identify areas prone to natural calamities and prepare a list of stand-by-work for each block in the district.
7. The District Planning Board has finally to prepare an integrated plan for the district in the light of local conditions and resources and in conformity with the broad policy laid down in the National and State Approach to the Fifth Plan.

In the light of the methodology suggested above, the draft Fifth Five Year Plan of each district was prepared by the District Planning Boards. However, in consequence of the national Fifth Five Year Plan not having been finalised, the State's Fifth Five Year Plan as well as the District Plans have also remained paper exercises which may have to be modified in course of time taking into account the changes in policy which have emerged subsequent on the preparation of the draft Fifth Five Year Plan and the latest assessment of the resources available for the Five year plan. However, Annual Plans for the first two years of the fifth five Year Plan, *i.e.*, 1974-75 and 1975-76 have been formulated and are under implementation. Preparations are also afoot for the formulation of the Annual Plan for the third year of the Fifth Plan, *i.e.*, 1976-77. With a view to understanding more fully the involvement and participation of the citizens, it will be worthwhile to give a short account of the manner in which the Annual Plans of the various districts and of the state as a whole have been formulated.

It is only during the Fifth Five Year Plan that any serious exercises were made in District Planning. But even so, during the first year of the Fifth Plan the exercises were not so thorough and full as they commenced

being so from the second year of the Fifth Plan. District Planning is still comparatively an uncharted sea with no mariner's compass and no lighthouse to steer the ship to safety. It is an evolving process which has to undergo constant modification and sophistication. This process, therefore, naturally requires the exercise of understanding and tolerance, a capacity on the part of administrators and statemen not only to explain the nuances of planning but also the logic and the argument behind the policy framework. It also requires a receptivity to new ideas which may nevertheless be practicable because they may arise from practical experience in the field in the manner of the wearer of the shoe who only knows where it pinches.

#### ANNUAL PLANS

For the year 1975-76, the state government after making an assessment of its resources decided to embark on an Annual Plan involving a total outlay of Rs. 350 crores (approx). On the basis of the principles of distribution of outlays between the state and the district sectors, the districts were informed of their ceilings of outlay and were asked to prepare an Annual Plan of this order. Some important guidelines about the formulation of the plan were also at the same time provided to the districts in order to enable them to plan in a proper manner. These guidelines laid down the national and state priorities to be observed such as the priorities for the core sector of agriculture, irrigation, power and industries, emphasis on tribal and drought-prone area programmes, provision for the inevitable requirements of ongoing schemes which the districts did not desire to discontinue, etc. The districts were also informed that while the ceilings have to be adhered to, they would nevertheless be at liberty to formulate in the light of the district's needs and aspirations some other programmes which were beyond the ceiling limits but which could be considered for implementation in case there was any improvement in resources or in case the districts were able to spot out additional resources, institutional or otherwise.

The District Planning and Development Councils went about the exercise of formulating the annual plans keeping the above guidelines in view and consulting citizen opinion in as representative a manner as possible. To help the District Planning and Development Council in the formulation of the Annual Plan, the zilla parishad, all the district officials, the district or regional officers of the various government departments and the representatives of the cooperative and commercial banking institutions, participated in an effective and meaningful manner. The representatives of the Planning Department also attended these discussions with a view to providing information and clarification whenever necessary. The association of the minister in charge of the district

as the chairman of the District Planning and Development Council as well as of its Executive Committee enabled the District Planning bodies not only to have an idea of the thinking and policy of the government on various issues but also to convey to the government through their chairman, the aspirations and the needs of the districts so that, if they did not form part of the State's Plan, an opportunity would nevertheless be provided to the state government to modify the plan in the light of the articulations of the district. Considerable spade work in the preparation of these plans had to be done by the officers of the various government departments and the zilla parishads. A people's plan was being formulated and it was, therefore, incumbent on the officers of the government and the zilla parishad to satisfy the representatives of the people in the district about their various doubts and questions and also to provide all the information and knowledge which was so necessary for the preparation of a meaningful plan. The discussions in the District Planning and Development Councils proved to be sometimes a nervous, often a tiresome, but always a heart-warming exercise in give-and-take, the motive behind all this being, of course, the well-being of the district people and the all round development of the district in as short a period as possible. Sometimes impatience ruled supreme. Sometimes, passions were stirred. Quite often the people's representatives felt that the officials were stubborn and unresponsive to the needs of development. On the other hand, the officers of the government felt that the members of the council did not exhibit an adequate appreciation of financial and other constraints. The position of the chairman of the Planning Body was often unenviable, because he not only had to spearhead the district viewpoint but also to bear in mind his all important responsibilities as a minister of the state government! He was literally between the devil and the deep sea not exactly knowing which was which!

On receipt of the Annual Plans from the districts and before the finalisation of the State Plan, a further round of discussions had to be arranged between the District Planning and Development Council and the state government. It was noticed that in a large number of cases the District Planning bodies had not adhered to the ceiling of the outlays communicated to them. Cleverly, perhaps in deference to the state government's authority, they had left the onus of a decision in some matters to the state government. In a few other cases, the District Planning Bodies had formulated a plan, the outlay for which was far in excess of the ceiling communicated. All these difficult issues had, therefore, to be sorted out in the meetings at the state government's level between the representatives of the District Planning and Development Council and the representatives of government. The Planning Minister presided over these discussions which were attended by all the

heads of departments or their representatives and by the district minister or ministers who were the chairman or members of the District Planning Councils. Each of these discussions lasted several hours. They tested the patience of the most patient. They strained the tolerance of the most tolerant. Occasionally, tempers became frayed and grace was at a discount. But in spite of these strains and in spite of all the need for give-and-take, the most edifying feature of these discussions was the absolute involvement of the citizens and their representatives in the planning process, their unreserved, though sometimes impolitic expressions of the people's desires and their fundamental faith in the spirit of democracy and the system of planning. Out of these discussions emerged a State Plan which had a recognisable as well as a quantifiable district component and an equally recognisable as well as quantifiable state component. No doubt, during the course of implementation, several other matters might arise for consideration and a few more concessions to reality might prove vital. But this is inherent in any system of planning which has to be dynamic, adjustable, has to take note of developments as they occur, bend where necessary and provide inflexible beacons where principles are involved.

#### PLAN IMPLEMENTATION

Citizen participation in the implementation of plan programmes is also equally important. The responsibility for implementing the plan programmes may fall either on government or decentralised development bodies like zilla parishads, municipal corporations, municipal councils, other bodies such as universities, voluntary institutions, organisations of citizens, trusts, institutes of education or management, etc. The participation of the citizens in programmes which are implemented by the state government and or other quasi-government institutions cannot obviously be direct. But the success of any programme of action depends on the response to it of the citizens and particularly the class of people whom the programme is intended to benefit. It is, therefore, in the interest of the implementing agency to assess periodically the impact of the programme not only with a view to finding out whether its objective is being fulfilled but also for the purpose of considering whether the programme needs modification, sophistication, etc., for enabling the benefit of the programme to be more direct and wider in its scope. However, even conceding that citizen participation in implementation of plan programmes is peripheral it nevertheless would have the advantage of offering positive response to impact as well as positive suggestion for improvement either in the concept of the programme or in the mechanics of its implementation.

In the case of plan programmes the implementation of which is not

the direct responsibility of government but of the bodies of the citizens some of which have been listed above, the involvement of the citizens can be more direct and personal. The association of the citizen in the implementation would result in a frank exchange of views, particularly with regard to the impact of the programmes and make them more responsive to the grass-root realities as they emerge from day-to-day.

The progress of implementation of programmes can be measured in several ways. There is, first of all, the appraisal of and supervision by the representatives of government or the implementing agencies. When making an appraisal of the effect of these programmes, it is customary to make not merely an arithmetic exercise in the expenditure incurred or the targets of production, consumption, etc., attained but also to assess the impact of the programmes and the manner in which or the extent to which the objectives set out in the programmes have been fulfilled. An alert press as well as vigilant administrators can combine to make the participation of citizens or their representatives in the planning process particularly implementation of plan programmes both direct and meaningful. It may not be necessary for this purpose to take an opinion or Gallup poll. A watchful eye for criticism in the implementation of plan programmes, a responsive attitude to criticisms which may some time be harsh or uncharitable as well as a willingness to profit by criticism and modify the schemes may pay ample dividends to the planning machinery and also induce a contentment in the people which is one of the primary aims of democratic planning.

### EVALUATION

A people's plan cannot be a people's plan unless it has an inbuilt flexibility so that adjustment and mid term corrections are possible in the light of several factors and circumstances which come to the fore during the implementation of the programmes. It also sometimes happens that certain objectives may become blurred in the process of implementation or some of the aspects may acquire an altogether different meaning than the one originally perceived. Again the assumptions and conditions which dictate certain policies may undergo radical transformation and this in turn may necessitate modification in programmes or even adaptation or revision in policy. The periodic fluctuations in resources and other changes in political and economic conditions may also change the slant of certain programmes. The planning process, therefore, has to be flexible and adjustable. This is possible only if there is a continuous concurrent and objective evaluation of the programmes as well as a frequent and periodical monitoring of the progress and achievements of the various programmes. How can public participation in these twin aspects of evaluation and monitoring be



secured? A few suggestions in this regard may be hazarded:

- (i) Discussion of plan programmes and plan policies at various forums such as Youth Forums, Forums of Entrepreneurs and Agriculturists, University Planning Forums, etc.;
- (ii) Studies of various aspects of planning policy or programmes by colleges, universities or other institutes of research with a view not only to educating the public but also to assess the successes or failures of certain programmes and the attainment of the objectives set for these programme;
- (iii) Periodical surveys of some programmes which have a direct impact on the lives of a large number of people so that these surveys can throw up either interesting or disturbing facts about the implementation of such programmes. For example, programmes which are designed to have a direct, quick and a long term impact on the lives of the vulnerable sections of the population such as the efficacy of the public distribution system, price trends of essential commodities, environmental improvement of slum dwellers, credit facilities for small and marginal holders, utilisation of irrigation facilities, impact on local population of incentives for development of industries in backward areas, tribal welfare schemes, mid-day meal programmes, development of command areas of major and medium irrigation projects, permanent or semi-permanent effects of drought-prone area programme, etc. In fact, a host of innumerable programmes could be suggested in which citizen involvement and participation can be secured for the evaluation and monitoring of these programmes as guides to plan policies and modification of plan programmes; and
- (iv) Discussions in political and economic forums, legislatures, planning and development councils would also by themselves constitute thumb nail sketches in evaluation and lessons in monitoring. After making the necessary allowance for the subjectivity of the opinions, these discussions may nevertheless provide meaningful lessons for modifications of plan policies, determination of priorities and programmes as also for enabling hard decisions to be taken for jettisoning programmes which have outlived their utility or policies which have had a negative effect on economic growth.

## CONCLUSION

An ancient proverb runs as follows:

“When Planning for a year, sow corn;  
When Planning for a decade, plant trees;  
When Planning for life, teach men.”

For practical purposes, we may break up the planning process into convenient time spans of five or seven years. In reality, however, development is a continuous process unhemmed by time frontiers. Similarly, planning is a dynamic phenomenon and not merely a static concept. It is a blend of time-honoured values and pragmatic practices, a holy matrimony of stable progress and flexible improvements. Nevertheless, there are commitments to which the doctrine has to conform. Some commitments may change their hue or differ in their emphasis over a period of time, but these commitments cannot be considered fragile or impermanent. They represent the quintessence of the awakened spirit which does not rest until the duty to the last man is done. It is in this context that plan education and plan information derive their importance. There should be the widest possible permeation of knowledge so as to make possible the participation and involvement of those whose everyday lives are affected by these commitments. The stability of the planning process depends on the vitality of this involvement particularly in the context of the growing dissatisfaction with poverty and all its debasing results and the need to take long leaps in the direction of progress because both time and patience are running out. If economic justice, a fair deal to the common man as well as special concern for the downtrodden which are the distinctive features of the new economic programme unfolded by the prime minister, are to be realised in any appreciable manner in the near future, the involvement of the people in plan policy and plan administration is of the utmost importance. If this is not done, a progressive alienation between the bureaucracy and the planners on the one hand and the people on the other is bound to develop. In the words of John Stuart Mill: “A State which dwarfs its men in order that they may be more docile instruments in its hands, even for beneficial purposes—will find that with small men no great thing can really be accomplished.” □

# Behavioural Implications of Citizen-Administration Relationship: Some Tentative Hypotheses\*

Mohit Bhattacharya

OUR MAIN objective in this paper is to highlight, in a very general way, the kind of relationship that is known to have been existing between the citizens and the municipal administrations in our cities and towns and to make an attempt to provide some explanations for the prevalence of such relationships. We propose to pursue this exercise in three stages : first by drawing a framework for the discussions; second, by presenting some empirical data on the actual situation prevailing in our cities and towns; and third, by critically analysing the data in a bid to extend further our conceptual understanding of this kind of interactional phenomenon.

## FRAME OF ANALYSIS

At the outset one has to face up to a rather discomfoting situation that the theoretical kit of 'public administration' as a subject of intellectual inquiry is not very rich. This poses difficulties for researchers who are groping for explanatory propositions in their quest for finding out a frame of analysis for empirical investigation. Public administration as the executive arm of the State apparatus has basically two dominant aspects. One of these is concerned with the structure and processes of machinery, which constitutes the organisational aspect of public administration. The other aspect is related to the legitimacy of the machinery and its concern for the clientele—the public. Public administration in its operational manifestations has its incidence on the general public without discrimination. It is this generality of scope and incidence that accounts for its legitimacy. It derives its *raison d'être* from its nexus with the public. Hence, if there has to be a general theory of public administration, that theory should be comprehensive enough to integrate both organisation and clientele aspects of the subject. Our focus in the present discussion is on the interaction between the municipal

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bureaucracy and the citizens. As the lay citizens make contacts with the municipal officers the two parties are involved in an interactional situation. The behavioural dispositions of the interacting parties—how they behave and why they behave as they do—need to be cast within a broader frame of bureaucracy-client relationship. It is not an insular intra-organisational, interpersonal relationship, which is commonly studied by organisation theorists interested in understanding the relations obtaining between individuals or groups within an organisation. Our problem is such that we will have to look for variables outside in the 'non-members' of an organisation. The frame of analysis has, therefore, to be spacious enough to embrace the 'members' and 'non-members' within a common conceptual fold.

Time and again, our research for meta-theory in public administration ends up with Max Weber's theory of bureaucracy. Weberian formulation, however, provides at least a frame of analysis for the *organisation* of public bureaucracy. Its import is almost wholly structural. The relational aspect of bureaucracy—its interaction with the public and its subservience to the public interest—is almost non-existent in Weber's theoretical construct. As James D. Thompson has put it,<sup>1</sup> "classic bureaucratic theory is preoccupied with behavioural relations ordered by a single, unified authority structure from which the client is excluded..." The bureaucratic organisation is a fixed monolith which approximates a steady, feelingless, and depersonalised machine. It is an automaton that works uniformly and with unfaltering regularity. The underlying assumption seems to be that the client for whom the machine exists has to be adjustable, as the machine itself is inflexible. The inevitable result that follows is what Merton has called the 'unintended consequences of the bureaucratic structure'. Even if the client would be having varying needs, the bureaucratic organisation would not shed its procrustean character. The Weberian theory is an inward looking structural construct par excellence. Its face is toward the organisation and not the client.

There have been some notable studies on the relationship between the bureaucracy and the client. Of these, special mention can be made of Peter Blau's study of a public welfare agency,<sup>2</sup> William Foote Whyte's study of human relations in the restaurant industry,<sup>3</sup> and the research on new Israeli immigrants by Elihu Katz and S.N. Eisenstadt.<sup>4</sup> Concentrating

<sup>1</sup>James D. Thompson, "Organizations and Output Transactions", *American Journal of Sociology*, 68, 1962.

<sup>2</sup>Peter M. Blau, "Orientation Toward Clients in a Public Welfare Agency", *Administrative Science Quarterly*, 5, 1960.

<sup>3</sup>William Foote Whyte, "When Workers and Customers Meet", *Industry and Society*, New York, McGraw Hill, 1946.

<sup>4</sup>Elihu Katz and S.N. Eisenstadt, "Some Sociological Observations on the Response of Israeli Organizations to New Immigrants", *Administrative Science Quarterly*, 5, 1960.

on the orientation of case workers toward clients in a public welfare agency, Blau points out the rigidities that are produced by administrative procedures, the 'reality shock' which young case workers experience on their joining the organisation, the kind of peer group support that develops in the organisation, and how all these influence the relationship between the case workers and the clients. Whyte's memorable study is much more incisive, as it delves deep into delicate human relations problems in a restaurant considered as a combination of production and service unit. It draws attention to a "high degree of social adaptability" of the worker and the need for client orientation of the whole organisation. The supervisor in such a situation has to shed *laissez faire* attitude and look upon "restaurant or factory as an organisation of human relations, as a system of personal communications" in order to improve client-organisation relationship.

Eisenstadt's earlier writing<sup>5</sup> on the conditions of development of bureaucratic organisations postulated a critical relationship between the bureaucratic organisation and the environment. As he wrote:

The(se) structural characteristics do not, however, develop in a social vacuum but are closely related to the function and activities of the bureaucratic organisation in its environment. The extent to which they can develop and persist in any bureaucratic organisation is dependent on the type of dynamic equilibrium that the organisation develops in relation to its environment.

Clearly, this is a salutary departure from the Weberian introversion, and a bureaucratic organisation is sought to be explained more by referring to the environmental conditions. In this connection, Eisenstadt used the concept of 'debureaucratisation' to connote changes in bureaucratic organisation caused by close interactions between the organisation and the clients:

In debureaucratization the specific characteristics of the bureaucracy in terms both of its autonomy and its specific rules and goals are minimised, even up to the point where its very functions and activities are taken over by other groups or organisations.

Katz and Eisenstadt (1960) explored the changes in the bureaucratic organisation in response to the needs of clients. As the new immigrants from non-Western countries were pouring in Israel, the Israel Organisations had to adapt themselves to cope with the large influx of clients.

<sup>5</sup>Eisenstadt, "Bureaucracy, Bureaucratization, and Debureaucratization", *Administrative Science Quarterly*, 4, 1959.

On a theoretical plane, the notion of "role impingement as a characterisation of bureaucratisation and debureaucratisation" is an important advancement on the traditional concept of bureaucracy. This needs some elaboration. It has been suggested that the factors affecting bureaucratisation are many. For instance, when a public bureaucracy has a monopoly of certain goods and services, the client has little chance of making an effective protest and "under such circumstances, bureaucrats may permit themselves an attitude of detachment and ritualistic formalism *vis-a-vis* clients". Using the 'role' concept, Katz and Eisenstadt speculated that the notion of dependence of clients and officials in an interactional situation might be looked at as "a special case of the impingement of other role relationships on a given bureaucratic relationship". Debureaucratisation would then be conceived "in terms of the impingement of non-bureaucratic rules on bureaucratic ones", and over-bureaucratisation would be treated "as either the formalistic segregation of a bureaucratic relationship from all other role relations... or, in its totalitarian form, as the imposition of [bureaucratic relationship on relations outside the scope of the bureaucracy."

The upshot of what Katz and Eisenstadt have said is that the theory of bureaucracy *a la* Max Weber does not so much explain the relationship between organisation and environment as it does the formal, structural characteristics of a bureaucratic organisation. The characteristics are not something static; rather, they are determined to a great extent by how the environmental influences are impinging on the organisation. To quote Katz and Eisenstadt, "In effect, overbureaucratisation and debureaucratisation represent a disturbance in the relationship between an organisation and its environment that is not envisioned by the classical model of bureaucracy. This model envisages the roles of both bureaucrat and client as segregated to some extent from their other roles... However, even in the ideal-type bureaucracy a role is not completely independent of other roles; some outside roles clearly may be, considered. If an old man, obviously unable to wait his turn in a long queue, is given special attention by a clerk, this is not a case of an irrelevant role relationship being allowed incorrectly to impinge on the bureaucrat-client relationship".

To sum up, the studies just mentioned have focused attention on organisation-client relationship from different angles. Blau talks of it from the standpoint of 'professionalisation' which will further the welfare of clients and at the same time, promote a detached attitude toward them. Whyte's emphasis is on the reorientation of supervision in order to help the restaurant workers to deal with the client relationship within the framework of bureaucratic theory. But it radically departs from Weberianism by concentrating on the notion of impingement of other role relationships on a given bureaucratic relationship.

The studies by Blau and Whyte shed light on some of the issues involved in the relationship between organisation and client. But, as a frame of analysis of the relationship, the theoretical perspective in Katz and Eisenstadt seems much more promising. To recapitulate, the concept of role impingement 'refers to the multiple role relations played by official and client *vis-a-vis* one another'. How should a bureaucrat deal with a client would normally be laid down in organisational rules. But in an actual encounter, the bureaucrat may tackle the client differently. He may be 'overbureaucratic' or 'underbureaucratic' depending on his perception of the situation consisting of himself and the client involved in an interaction. In either case, the bureaucrat who deviates from the organisationally prescribed role relations brings extra-organisational roles to bear on the specific situation, under the impact of the client. This notion of 'role impingement' comes close to Gouldner's concept of 'latent identity'. To quote Gouldner: "It is necessary to distinguish between those social identities of group members which are consensually regarded as relevant to them in a given setting and those which group members define as being irrelevant, inappropriate to consider, or illegitimate to take into account. The former can be called the manifest social identities, the latter, the latent social identities. . . . When group members orient themselves to the latent identities of others in their group, they are involved in a relationship with them which is not culturally prescribed by the group norms governing their manifest roles. . . . It would seem clear that latent identities and roles are important because they exert pressure upon the manifest roles, often impairing conformity with their requirements and endemically threatening the equilibrium of the manifest role system."<sup>6</sup>

Following this line of thought, we may now venture to hypothesise that in a local organisation like a municipal body the relationships between the municipal bureaucracy and the citizens will be influenced by the extent of extra-organisational relations that would be brought to bear on the specific contact situation within the municipal body. In this sense, the notion of 'role impingement' is relevant to our analysis. The relationship between the municipal bureaucracy and the citizens is not being considered as unique or stray cases of contacts between any particular official and one or two citizens. Unless there is something recurrent in behavioural dispositions that make for a pattern in the interactional situations, it will not be possible to generalise and predict organisation-client relational behaviour. It is being suggested that in our municipal organisations, one does find a well-set pattern in the relationship between the municipal officials and the citizens. Being at

<sup>6</sup>Alvin W. Gouldner, "Cosmopolitans and Locals: Toward an Analysis of Latent Social Roles, I and II", *Administrative Science Quarterly*, 2 (1957-58).



the 'cutting edge' of public administration, municipal administration has to deal with the public everyday in connection with the delivery and regulation of civic services such as water supply, conservancy, refuse removal and disposal, inoculation and vaccination, prevention of food adulteration, sanction of building plans, removal of unauthorised constructions and so on and so forth. As the officials will be meeting the citizens, both parties will be involved in an interactional situation. The 'manifest roles' of officials, in Gouldner's sense, are stipulated in the ground rules of the municipal organisations. But, in actual situations the behaviour of the officials toward the clients will not strictly follow the prescribed organisational path. The variations in actual behaviour can be explained by the notion of 'role impingement', or as Gouldner has said, there will be 'latent identities' that would be constantly influencing actual behavioural nuances. Our hypothesis is that the dealings of municipal officials constitute a form of group behaviour,<sup>7</sup> irrespective of its being in conformity with or in violation of the prescribed norms of relationship set by organisational rules. What kind of behaviour toward the citizens actually manifests itself in specific situations will be described in the following paragraphs.

#### ACTUAL FIELD SITUATION

Quite a few studies that are available on citizens' reactions to municipal administration reveal a general ill-feeling against the municipal bureaucracy. One study<sup>8</sup> has this to say:

The general attitude among the public is to avoid going to the Corporation to the extent possible. There prevails among the public a considerable degree of feeling that there is deliberate "delay, harassment, and discourtesy in many departments of the Corporation. As the sample consisted of people who had some contact with Corporation this feeling was entertained more as a result of experience than hearsay. The tendency among the public was to avoid coming into

<sup>7</sup>On this, Sherif's observation that "an essential property of groups is a set of values or norms shared by group members" is significant. See Muzafer Sherif, "Conformity-Deviation, Norms and Group Relations", in Irwin A. Berg and Bernard M. Bass (eds.), *Conformity and Deviation*, New York, Harper and Brothers, 1961. Talking of 'the culture of the factory', Jacques has a similar comment to make as he writes, "the making of relationships requires the taking up of roles within a social structure; the quality of these relationships is governed by the extent to which the individuals concerned have each absorbed the culture of organization so as to be able to operate within the same general code". See E. Jacques, *The Changing Culture of a Factory*, Tavistock, 1951.

<sup>8</sup>A.P. Barnabas, *The Experience of Citizens in Getting Water Connections*, New Delhi, Indian Institute of Public Administration, 1965.

direct contact with the officials and to prefer getting things done through middlemen or agents even if it cost extra money.

Another study brings out almost identical citizen-administration relationship in a big city corporation. To quote the researchers:

We are of the opinion that the citizens are reluctant to cooperate, and to make the Corporation staff's work easy. The main reason for this reluctance appears to be the discourteous treatment which the citizens usually receive at the hands of the Corporation's staff whether it is in respect of obtaining permission for constructing a house, or in obtaining the completion certificate, or about obtaining permission for new water-supply connections.<sup>9</sup>

Another research study on "Citizens and the Municipal Bureaucracy" brings out the hostilities of citizens toward municipal government. Note what the researchers reported:

In response to the general question about the working of the Corporation our respondents were either very critical or reluctant to express their opinion on the performance of the Corporation. There was widespread dissatisfaction about the services and amenities being provided at present. They specifically commented on the poor medical facilities: costly and undependable transport system, frequent power failures and constant water shortage. They felt that the Corporation had failed to solve many of the civic problems.

The hostility of the citizens towards the Corporation and consequently to the whole system of local self-government could be illustrated by the comment of a few citizens. 'Let us scrap it altogether' is one. 'An average person hates to visit the Corporation because he wastes more time and achieves very little' is another comment. Narrating their experiences from frequent visits to the Corporation offices, the citizens dwelt at length upon the inordinate delays in getting things done. They felt that these delays were deliberate and were often resorted to by the Corporation staff to harass the public and to extort bribes. The prevalence of corruption seems to haunt the minds of the bulk of the public. On the basis of his dealings with Corporation employees, one citizen pithily remarked: 'Money matter is uppermost when they talk with people'.<sup>10</sup>

<sup>9</sup>V. Jagannadham and N.S. Bakshi, *Property Tax Administration*, New Delhi, Indian Institute of Public Administration, 1971.

<sup>10</sup>V. Jagannadham and N.S. Bakshi, *Citizen and the Municipal Bureaucracy*, New Delhi, Indian Institute of Public Administration, 1971.

In an earlier study by Eldersveld, *et al* the researchers tried to scientifically study the relationship between the citizens and the administration through a social survey. It was reported that about 40 per cent of the citizens interviewed felt that the health officials were *used* to favouring the wealthy, the upperclass and the politicians,<sup>11</sup> and 24 per cent felt that health officials were rude or discourteous. It seems that there is some difference in reactions between members belonging to different income brackets. To quote the study, "The upper status groups in urban Delhi are the most critical of administration, while at the same time being more informed. The educated and relatively 'wealthy' criticise the job performance of officials, feel they are paying more taxes than they should, and are cynical or pessimistic about the efficacy of citizen action in relation to the bureaucracy. Urban law status groups are less critical, but also 'more pessimistic about the efficacy' of citizen action, though less well informed about the administrative system."<sup>12</sup>

A very recent study on municipal elections in Rajasthan has thrown up interesting data on voters' perception about municipal problems. With reference to the performance of the municipal bureaucracy, the voters reacted by saying that nearly 51 per cent of the municipal staff either do not show interest in work or are corrupt.<sup>13</sup>

Another study of municipal administration in a few towns of Rajasthan tried to analyse voters' reaction to municipal services such as cleaning of public streets, water supply and street lighting. Here also the citizens had expressed general dissatisfaction about the delivery of essential municipal services.<sup>14</sup>

#### ANALYSIS OF DATA

From this meagre data, one can distill certain salient features of citizen-administration relationship in the municipal context. It seems that the members of the public in general try to avoid coming into direct contact with the municipal officers. Their perception of municipal administration appears to be negative. They would prefer to get things done through the mediation of middlemen. This accounts for the brokerage function of the municipal councillor who "conveys citizen

<sup>11</sup>For an excellent discussion on the relationship between the bureaucracy and the lower class, see Gideon Sjoberg, Richard A. Brymer, and Buford Farris, "Bureaucracy and the Lower Class", *Sociology and Social Research*, 50, 1966.

<sup>12</sup>Samuel J. Eldersveld, V. Jagannadham and A.P. Barnabas, *The Citizen and the Administrator in a Developing Democracy*, New Delhi, Indian Institute of Public Administration, 1968.

<sup>13</sup>C.P. Bhambhri and P.S. Verma, *The Urban Voter: Municipal Elections in Rajasthan: An Empirical Study*, New Delhi, National Publishing House, 1973.

<sup>14</sup>B.P. Gupta, *Municipal Administration in Rajasthan: A Case Study*, New Delhi, Research Programmes Committee, Planning Commission, 1971.

complaints to upper-level administrators like the Zonal Engineers and 'directs' lower level administrators like the Assistant Sanitary Inspectors, men over whom he has no formal authority, to remedy the causes of complaints."<sup>15</sup> The citizens seem to have sized up municipal administration as being slow-moving, discourteous and corrupt. An official Committee Report<sup>16</sup> provides corroborative evidence:

In their discussion with the experts on administrative and academic fields, officials and public men, the Committee noticed a sense of despair and lack of confidence in the capacity of the local bodies to tackle the problems that face towns and cities. It is complained that the management of municipal affairs is very much dominated by group and party politics. It is also alleged that the sanction of various development works is delayed because of the anxiety of the councillors to benefit sectional interests. The image of the local bodies in the public mind is that of inefficiency, mal-administration, delay and corruption. Such an image and the poor performance of functions by the local bodies have further accentuated the indifference of citizens towards the affairs of the local government.

Behaviour is a two-way traffic. The citizens retaliate by being non-cooperative with the municipal staff. The general picture is one of raw deal that the citizen get in the hands of the municipal bureaucracy. At the other end, the citizens themselves seem to have developed an avoidance syndrome. They are critical of general municipal performance, resentful of municipal bureaucratic behaviour, and seek in general to avoid direct confrontation with the municipal staff. Another significant feature is the variation in citizens' relations to municipal administration. The rich and the well-to-do have more knowledge of the municipal goings-on, yet they seem to be critical of municipal administration. On the other hand, the lower status groups are less informed about municipal administration and also less critical of it.

Inadequacy of municipal services is understandable in view of paucity of municipal financial resources. But the kind of behaviour that is meted out to the citizens is not always explainable by the inadequacy thesis alone. It is of course admitted that in a situation of scarcity the municipality will have great difficulty in ensuring a modicum of services to the citizens. What the studies just mentioned have revealed—discourtesy, harassment and corruption—need, however, to be related

<sup>15</sup>See, in this connection, Philip K. Oldenburg, "Big City Government in India: Councillor, Administrator and Citizen in Delhi", *Nagarlok*, July-September, 1974.

<sup>16</sup>Government of India, *Report of the Rural-Urban Relationship Committee*, Vol. I, New Delhi, Ministry of Health and Family Planning, 1966, p. 109.

to the specific contact points where such behaviour manifests itself. It is with the counter clerks and the field staff of a municipality that the citizens are to directly deal. The octroi moharrir at the checkpost, the tax daroga and other revenue collecting staff, the building inspector, the licensing clerk—these are the contact points the citizens have to meet. And it is here that the image of municipal administration is made or marred. It is here that the rules are twisted, the organisational norms subverted and the palms greased. In some instances such as those of the octroi checkpost man and the building inspector, the municipal organisation has to depend on outdoor branches which are virtually cut off from the main organisation. The only tenuous link is supervision by higher officers which is more often than not merely perfunctory. Under the circumstances, the sub-organisations in the field tend to become autonomous and they develop in due course their own work-norms, which obviously suit the municipal staff on duty in the outposts. The citizens might be having some initial misgivings against the improvised worknorms. But they soon come to accept them for the sake of easy facilitation of work. There are of course citizens and citizens. Those who are not ready to accept the worknorms of the field staff or who feel that they are being 'overcharged', usually get a raw deal—discourtesy, harassment and all that.

Things are no better in the main office where the counter-men behave in the way they do to bend the organisation to their benefit. There is hardly any concern for the citizen who has come to pay house tax or water bill. Instead of treating him with utmost care and courtesy, the counter-men would be adopting delaying and unhelpful postures.

There is clear evidence that the kind of behaviour that is meted out to the citizens is a fairly patterned one. It is not an isolated instance of a single counter-man or building inspector behaving randomly. What apparently looks like subversion of prescribed organisational norms is a recurrent phenomenon so much so that the worknorms are virtually dictated by the concerned staff engaged in counter or field duties. It seems that there are two organisations working side by side at the same place,—one a paper organisation existing only formally in laws, rules and bye-laws, another a real organisation governed by norms and conditions established by the people operating the organisation. Normally, it is the latter that holds sway. Only when there is a temporary threat to the informal organisation (as during the current emergency), it withdraws for a moment allowing the paper organisation to come to the surface as long as the threat lasts and really (psychologically) poses a danger to the members of the informal organisation.

This game of hide and seek continues in the municipal organisations. When citizens are treated discourteously, or harassed, and bribes have to be given to get things done, the municipal organisation is virtually

'privatised'. It means that the organisation's 'public' character is subverted and things are done in ways which are not ordinarily permitted under the formal rules of the organisation. One can interpret it as a form of 'role-impingement' in the sense that the 'private' motives of the staff are overlaid on the formally 'public' character of the organisation. Collectively, some sections of the staff on outdoor or indoor duties bring to bear on the municipal organisation their private and selfish interests. The worknorms thus set are followed by them and they see to it that new members are also socialised in this subculture of the organisation.

These are very tentative propositions regarding work-behaviour in municipal organisations. The relationship between the citizens and the municipal bureaucracy has so far been studied by researchers very superficially. What has been reported in the studies shows only the outer veneer of behaviour. The explanations for such behaviour are yet to be found out through in-depth studies of actual contact situations, the subculture of the organisation and the socialisation process that creates and sustains worknorms in the organisation. Research in this area may yield rich dividends by indicating ways of changing the organisation and suggesting attitudinal changes through well-designed training programmes. □

# The Citizen, Society and Decision-Making\*

R N. Haldipur

**M**ANKIND'S DIFFICULTIES with solving problems and making decisions are as old as man himself. The famous epic Mahabharata depicts the grand drama of decision-making—its tortuous nature, the constraints, the human factors and the most agonizing process which one has to go through. Hamlet's 'To be or not to be' sums up the disastrous consequences which may result from vacillation. We take so many facts of life for granted that it is often difficult for us to visualize what momentous decisions must have been taken by our ancestors from the Stone age to the Space age. The discoveries of fire, steel, metals, steam and now the atomic power have brought in a phenomenal technological revolution with which the concepts of man, power and values have undergone fundamental change. In consequence, there is a revolution of rising expectations which is exacerbated by mass media, resulting in mounting frustrations among the people, caused by this neo-industrial culture. Man trails behind this technological leap and is seriously in search of his own identity. Living is becoming more and more complicated and involved necessitating, at every stage, a choice between alternatives. Today, there is a continuing opportunity, nay a need and pressure to take decisions.

## DECISION-MAKING—A COMPLEX PHENOMENON

The process of decision-making is thus all-pervasive and encompasses all walks of life and it is but natural that interest in it should be evinced by various sets of people. It has been analysed and studied by different categories of thinkers—the management experts, the behavioural scientists, the industrial engineers, the quantitative theorists, the economists and other social scientists. Though their relative emphasis and view point are divergent and the various theories propounded by them may seem to be in conflict, most of them agree that decision-making is the 'art of the possible', and the ultimate act cannot be merely the

\*From *Indian Journal of Public Administration*, Vol. XXI, No. 3, 1975, pp. 320-27.



resultant of a formula. Simon<sup>1</sup> defined decision as a conscious choice among several available alternatives. There are others who say that great decisions are just not taken from the rule book.<sup>2</sup> After weighing the pros and cons of any problem there still remains an element of inexplicability since in real life there are so many variables that it is just not possible to predict and hence intuition and experience play an important part in arriving at a sound judgement.

There are still others who feel that there is nothing like a perpetually goal-seeking man and, therefore, many decisions have to be taken on the spur of the moment.

### A PROFILE OF THE PROCESS

Decision-making is the ultimate analysis a psychological process—a process taking place in “the minds of men” who have to choose between two or more alternatives. Peter Drucker<sup>3</sup> has identified five basic steps, viz., (a) defining the problem, (b) analysing the problem, (c) developing alternative solutions, (d) finding the best solution and finally (e) making decision effective, and converting it into action.

#### *Defining the Problem*

This is probably one of the most difficult exercises. It is often the lack of clarity in defining the problem to be tackled that is responsible for bungling of issues. “There are few things as useless if not dangerous — as the right answer to the wrong questions.”<sup>4</sup> One must understand the conditions, norms or standards by which a given situation becomes a problem. Very often, the real problem is camouflaged and one goes about, with ‘hidden agendas’. In most cases, what we are trying to tackle is the tip of an iceberg whose real dimensions remain hidden unassessed. Whether it is a single individual or a group, an organisation or an institution, it is essential to have a clear perception of the goals to be tackled in their attainment. It is a clear aim which propels the organisation and gives it an elan to make it result-oriented. Margaret Mead<sup>5</sup> in her inimitable style, once quipped, “In each age, there is a series of pressing questions which must be asked and answered. On the

<sup>1</sup>Herbert A. Simon, *Administrative Behaviour—A Study of Decision-making Processes in Administrative Organisation*, New York, Macmillan, 1957 (2nd edn.).

<sup>2</sup>V. Subramaniam, “A Disposition Towards Decision Theory”, *Indian Journal of Public Administration*, Vol. XVIII, No. 1, Jan-March, 1972, p. 4.

<sup>3</sup>Peter F. Drucker, *The Practice of Management*, Harper and Row, Publishers, 1965.

<sup>4</sup>Peter F. Drucker, *The Effective Executive*, London, William Heinemann Ltd., 1967.

<sup>5</sup>Margaret Mead, *New Lives for Old—Cultural Transformation of Manus*, Gollancz, 1956.

correctness of the question, depends the survival of those who ask; on the quality of the answers depends the quality of the life those survivors will lead."

#### *Analysing the Problem*

Any problem to be tackled needs to be broken up into its components to enable one to identify the crucial elements. Though this appears to be a simple step in theory, in a live situation the complexity could be baffling. Each problem needs to be viewed in its totality—against the background of its environment—which has several segments—the economic, the social, the political and the technological. It is not only essential to study these elements in their juxtaposition and their inter-relationship; it is also necessary to transcend the situation and have an overview so that the overall perspective is not lost sight of. Each segment plays a vital role and has its place in the scheme of things. While due importance and weightage has to be given to the components, they should not be blown out of proportion. There is always the danger of one fact being overstressed to the detriment of the rest. While it is true that if one looks after the molehills, the mountain will take care of itself, one cannot underestimate the danger of missing the wood for the trees.

#### *Developing Alternative Solutions*

A careful examination of different plausible alternatives is again a complex process—particularly in the world of today—and implies a detailed analysis of so many variables. Lloyd George, the Welsh wizard and the Prime Minister of Britain in World War I said "that to win a war, he needed men, money and munition". All these are essential but if they are not rightly combined, they bring expensive defeats. The fourth essential factor is the effective use of all these components. Therefore, it is necessary to be aware of a number of limitations before we arrive at the best solution. The alternatives will have to be subjected to an 'adequacy test' prior to the adoption of one of them.

#### *Fact vs. Value*

Decision is a compound of both fact and value. In fact, as Philosopher Bosanquet remarked "value is a fact at a deeper level". Very often we are inclined to ignore the one or the other, or confuse one with the other, depending upon our own predilections and selective perception of a situation. Today, public administration impinges upon the citizen at every point. It is not independent of the social, economic and political objectives of the State. "Any major decision involves more than one value—not each of which is clearly postulated and several facts, it not being always clear what facts need to be assembled nor easy to assemble

those needed".<sup>6</sup> Civil servants are asked and expected to decide on others' values and expectations and also to ensure that local needs and national goals converge as far as possible and not create a dissonance. The problem of decision-making is not merely one of expertise. It is also a problem of restoring confidence in the people. Ours, in India, is a pluralistic society where we find people of different cultures living together, at the same point of time. This puts premium on value-sensitivity<sup>7</sup> as against mere fact collection. One has to develop the propensity to discover many complex-values.

We, in India, have an 'old Society but a New Nation'. This creates an ambivalence in the minds of the decision-maker as he has to span the gap between tradition and modernity. While we have an essential awareness of what is good, the will to do it is very often absent. Even where we anticipate and diagnose the problems correctly, there is vacillation in taking appropriate action. Decision-making requires sober self-confidence and includes courage, readiness to take risks, an élan not to play things safe and attention to details. One has, therefore, steadily to enlarge one's ability to deal with more problems and people and "to capitalize largely on relatively slight experience, instead of getting confined by particular experience—a capacity for generalising what one sees and does". One should not be a prisoner of the past, not allow oneself to be held to ransom by one's own prejudices. In our country 'upward pressure' is still mute. Since articulation is absent amongst the general masses, particularly the weaker sections of our population, at least the administrator has to develop a sufficiently deep value-sensitivity and skills of management of public affairs. Mere technical knowledge or expertise is a poor substitute for the skill in handling human problems. In the ultimate analysis, all decisions affect human beings. A decision taken in Delhi could affect the destinies of millions of people in the country. In a sense, these decisions are taken to enhance the quality of human life. Whatever one's vocation may be—whether he is a scientist, technocrat, generalist or a politician, he will have to be inspired by the spirit of humanism and informed of the aspirations of the people by developing a sensitivity to environment. The oligarchy of the technocrat, the cultural arrogance of the bureaucrat, the insularity of the academician and the casualness of the politician have no place in mitigating the citizen's grievances and meeting his dire needs. Each one of them might have gathered valid and relevant experience but this is hardly sufficient to meet the growing challenges of our times since they tend to become obsolescent in a period where knowledge duplicates itself,

<sup>6</sup>V. Subramaniam, "The Fact-Value Distinction as an Analytical Tool", *Indian Journal of Public Administration*, Vol. XVII, No. 1, 1971, p. 7.

<sup>7</sup>*Ibid.*, p. 6.

practically every five years, and one has to keep continuously in touch with research, development and public affairs. Administration either by alibi or by confrontation has no place and will not enable one to take the right decisions. Decision-making, particularly at higher levels, requires not only a sharp intellectual ability to analyse problems and professional competence but emotional maturity and a deep socio-economic awareness which can inspire confidence and trust. Then only one will be able to evoke faith in the programme and in the people. Therefore, decision-making is not merely an intellectual exercise but is an amalgam of both fact and value. It has to be inspired by a social purpose, a value system and an ends and means nexus. If these are absent, while decisions may be taken, they will be irrelevant or they will be so good that they will hardly be implemented. Decisions should also have a built-in public acceptability. They should be sensitive to the response system from which they can obtain the necessary feedback.

#### *Time Factor*

The decision-making process cannot ignore the time element which is crucial for the implementation of decisions. There must be a sense of urgency and a realisation that time is precious and indispensable and when fully used can bridge the gap between our intentions and actions both of which we seem, very often, to confuse and mistake one for the other. Forecasting and examining the consequences of any decision are important as the current choice is bound to restrict some future choices and the solutions of today could pose as problems for the morrow. The remedy could be worse than the disease.

#### *Techno-economic Limitations*

We do not plan to fail but fail to plan. While taking decisions for projects, we go by the targets without fully taking into account the ecological factors, the resource endowment, the size, density and nature of human settlements, the levels of entrepreneurship and development. The socio-economic system and the adaptation of appropriate technology have to be dovetailed into each other so that the natural forces and induced change go hand in hand. While it is true that conflicts and inner contradictions prod the growth process, they undermine it if they form the very substance of the life of a community. Decision-making, therefore, has to take into account the scarce resources and the human potential and in what way one could make effective use of all components. In this task, the tools of management and the techniques of quantitative science become very important. For example, if one has to strike a balance between coal, gas, oil, hydel or nuclear power to evolve an energy policy, one has to use sophisticated tools of analysis in order to prepare the ground for the formulation of policy. For an optimum

use of land and water, one will have to work out a suitable 'crop-soil-rainfall' nexus. In this task the specialists have a crucial role to play in discovering, processing and using the resources. It would be good to recognise the difficulties in the formulation of policies which consist of "the cognitive limits due to the absence of necessary facts and emotive limits deriving from the common predicament of never knowing for sure what one really wants". Very often there is a lack of consistency in our approach. During the heyday of community development, the block personnel approached the people to contribute Shramdan, while the Public Works Department was getting their construction done through contractors making full payments. The citizen feels confounded by these inconsistencies though they may be the results of actions of different departments. We have now turned full circle and have come back to the core of community development under the name of minimum needs programme. Here again, unless we define these needs and relate them to the ecological and cultural factors mentioned earlier, we may end up having discrete activities, consisting of social amenities without building up viable communities in the countryside. Examples can be multiplied to show how the inability to pinpoint what is exactly needed has sounded the death knell of many otherwise well-formulated schemes. Very often issues get clouded and a lot of paper work is done without much achievement.

#### *Dichotomies in Our System*

In the West, it is the traditional government which has to grapple with the forces let loose by a modern society which is undergoing cataclysmic changes with 'a nomadic man' wandering in a "throw-away, push button society". In India, the pattern of government inherited from the colonial era and a modern political process are superimposed on an old traditional society. A country with feudal overtones and a caste-ridden society, which has been striving to come out of its colonial past has its birth pangs. It has a feeling of deprivation which tends to stress the primacy of power which creates dichotomies in the administrative system. It is necessary to be fully conscious of the four types of dichotomies that beset us as they seem to operate within our system, wittingly or unwittingly. These are between the rural and the urban with their gaping countryside and the sprawling cities; the elite and the masses with our educational system promoting more a feeling of alienation than a sense of belongingness; between planning and implementation both falling apart into different compartments—one not impinging on the other through a feedback; between law and order or regulatory administration and development administration as if one does not influence and affect the other. The present day administrative structure and these inbuilt dichotomies have led to 'administration by confrontation'. While

the politician is inclined to turn all problems of administration into that of politics, the administrator is likely to turn problems of politics into problems of administration without realising that the politician is the best broker of people's urges and aspirations. The specialist, on the other hand, tends to turn every problem of decision-making into a question of expertise without considering the fact-value nexus.

#### *Deciding Upon the Best Solution*

In developing alternative solutions and finding the best solution, the above mentioned limitations have to be borne in mind. A coherent decision-making process has to reckon with these factors so that one can arrive at the most workable solution. The changing environment, the changing expectations and the changing behaviour of people will have to be reconciled with the resources—'the given in a society'. We have to start with economic planning based upon our human and material resources. It consists of not only policy formulation but setting up strategies and priorities that are likely to benefit the largest number of citizens. Thereafter, the plans have to be operationalised. Administrative planning begins where economic planning ends and its thrust has to be to implement, evaluate and use the appraisal of the programme as a feedback for future planning. It is a close-loop system. Any solution would have to be in the best interest of the citizen. It should energise him and make him viable.

This involves a systems approach which aims at a high degree of consistency at the level of policy. The crux of the systems approach is that: (a) an organisation has an objective, (b) this objective is measurable, (c) and that the sub-goals defined for operational purposes are consistent with the overall objective. This implies an integrative mechanism and a sensitive analysis. Not only does it aim at change but also at knowing its dimensions so that it would be practicable to implement it in all its aspects and will not come as a threat or a bolt from the blue.

This means that there is a need for a qualitative aspect of decision-making which can be improved and refined by new techniques. One should not, however, interpret this statement to imply that decision-making is synonymous with the application of various techniques or that it can be reduced to a set of precise formulae or principles. Many modern books on decision-making are full of formulae, charts and graphs, give vague advice about the use of a computer or a decision tree. Centralised programming could tend to use the computer efficiently to solve wrong problems; and decentralised programming may tend to use the computer inefficiently to solve the right problems. These techniques may be scientific and reliable but it is not decision-making,—it calls for an increased understanding of the processes involved in policy formulation and execution. Intuition and experience certainly have a role to



play but in good faith. We may have misplaced emphasis on commonsense as an effective tool to deal with the problems. Commonsense could be very often uncommon. Therefore, while decision-making can never become a purely mathematical process since there are always intangibles which can neither be measured nor quantified, public administration will have to adopt management tools, particularly when it has to handle a variety of problems of a large mass of population.

### *Making Decisions Effective*

One of the touchstones of a decision is its successful implementation. 'Nothing succeeds like success' sums up the essence of a practical formula or theory. Between decision and implementation, theory and practice, law and enforcement a proper bridge is both a psychological as well as a practical necessity. In the ultimate analysis, a lot depends upon the quality of leadership, the degree of commitment, and the inspiration it provides in social interaction. There is nothing like programme neutrality or political neutrality.

It really means a commitment to the socio-economic objectives of the State. Faith in the people, faith in the programme and faith in the future are ultimately the foundation for a course of action. This robust attitude enables one to find the positive traits in our society. We had and still have our 'Jajmani system' based upon mutuality of obligations, the binding quality of the extended family, tolerance, forbearance and faith. One could capitalise on these strengths. We should also find ways and means to turn many of our liabilities into assets. Our huge manpower for example could be directed to labour intensive and fruitful channels. While the West has been able to build up a strong 'social contract' ethos in its industrial culture, leading to a high degree of professional pride, we in India will have to seek remedies which are in tune with our own culture, relying on our strengths and playing down our weaknesses.

There is no virtue in merely taking quick decisions. What matters is whether the decision is implemented or not. It is also necessary to weigh the cost and risks entailed in not making a decision as against taking a wrong decision. The role of a good leader is not so much to take good decisions but to see that good decisions are taken. Decision is correct if it works and is not likely to result in problems for the morrow. Somebody is going to work it and therefore, it has to be participative and in this the citizen cannot be left out as a bystander. Behind a paper in our offices there is a man and the decisions that we take impinge on him. If the full potential of the people is to be unleashed, the goals of decision-making on the one hand and the quality of life "of our citizen on the other, will have to converge". "The great dream of an administrator is that some day he will find a way to share with his



associates a mutually deep vision of what a truly inspired human organization can achieve" and that he will link the process of decision-making with the goals of society in which he lives so that it can enrich and enliven the life of the common man—of the lowliest who could have a rightful place in the body politic. In this task, each one of us has some distinctive and individual contribution that he alone can make.



# Central Vigilance Commission : Its Role in Administrative Vigilance\*

L.M. Bhatia

THE WORLD WAR II left behind a 'freebooting' affluence with its inevitable pernicious consequences. With 'permissiveness' in the air, corruption has become an essential part of the dynamics of society and an unavoidable means for accumulation of wealth, economic power and even recognition in that society. The predominance of governmental activity under the welfare state has further accelerated the process of change in values. The necessity for official assistance in so many areas, e.g., licences, credit, foreign exchange, allocation of critical raw materials and bank loans and advances to agriculturists, small traders and self-employed persons—specially when the policy is oriented towards purpose-worthiness rather than credit-worthiness and involves exercise of discretion and judgment—has created a 'black market in government services'. The abuses in the service activities are incidental to the growing relationship between citizen and government. The tendency of public officials to use their offices as 'maximising units' and the cynical attitude of the community as a whole have naturally caused growing concern over corruption.

## II

In June, 1962, the parliament debated the growing menace of corruption in administration. The then home minister suggested that a formal committee should consider the important aspects of the evil of corruption. The committee for prevention of corruption was, therefore, set up in pursuance of this announcement to review the existing instruments for checking corruption in the central services and to suggest measures calculated to produce a social climate, both amongst public servants and in the general public, in which bribery and corruption may not flourish. The committee was also asked to recommend special measures that may be necessary in corporate public undertakings to

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secure honesty and integrity amongst their employees.

The committee surveyed the measures taken to combat corruption in administration and pointed out that there was no organic relation between the administrative vigilance division in the ministry of home affairs—set up in 1955 to provide the necessary drive and direction in anti-corruption work—and the vigilance officers of the various ministries. The handling of anti-corruption work by the ministries concerned or centralisation of the work within the home ministry, it observed, was not 'a healthy practice'. The administration could not be a judge of its own conduct, besides, the popular impression that disciplinary action against the 'higher-ups' was conveniently shelved, needed to be removed. The creation of the Central Vigilance Commission was suggested by the committee as one of the measures to improve these matters.

The Central Vigilance Commission was set up in February, 1964.

### III

In its interim report, the committee recommended that the proposed commission should deal comprehensively with two of the major problems of administration, namely: (a) prevention of corruption and maintenance of integrity; and (b) ensuring just and fair exercise of administrative powers vested in various authorities by statutory rules or by non-statutory executive orders. It further recommended that:

1. The powers and responsibilities in disciplinary matters, which are at present decentralized, should in the main be centralised in the commission, the only exception being the power given to the Delhi special police establishment to make preliminary enquiries or to institute and investigate a regular case whenever they consider it necessary to do so;
2. The Central Vigilance Commission should consist of three directorates, one to deal with general complaints of citizens, directorate of general complaints and redress, another to deal with all vigilance matters, directorate of vigilance, and third, the central police organization which would exercise the powers now exercised by the Delhi special police establishment till such time as the Central Bureau of Investigation is set up. [The central bureau of investigation (CBI) was set up on April 1, 1963.]

The committee stressed that the commission should be independent of government in its functioning and may not be answerable to any minister even though administratively placed under the ministry of home

affairs.<sup>1</sup>

While recognising the importance and urgency of providing a machinery for looking into the grievances of citizens against the administration and for ensuring just and fair exercise of administrative powers, the government considered that the problem was big enough to require a separate agency or machinery and that, apart from this, the Central Vigilance Commission would be overburdened if these responsibilities were to be placed upon it and the commission might, as a result, be less effective in dealing with the problem of corruption. It was accordingly decided that, to begin with, the commission will not have a directorate of general complaints and redress.

As regards powers to undertake an inquiry into transactions/complaints involving lack of integrity on the part of public servants, it was considered that the commission would normally get enquiries or investigations made by the CBI or the departmental authorities. It was envisaged that a working arrangement will be evolved by the commission and director, CBI by which the CBI will take all cases referred to it by the commission either for secret enquiries or for open investigations. In an exceptional case, where the commission wished to make an inquiry itself, it could be appointed as a Commission of Inquiry under the Commission of Inquiry Act.

It was further decided that there should be centralisation of powers and responsibilities in the commission only to the extent necessary to make it effective. For the rest, the commission should have the reserve power to intervene, when it considers it necessary to do so, and it should be kept fully in the picture by the ministries, etc., in order that it may be able to exercise that power.

#### IV

The scheme of the commission, as approved<sup>2</sup> by the government, provides that the commission will have jurisdiction and powers in respect of matters to which the executive power of the Union extends. It will have powers to undertake an enquiry into any transactions in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner or to cause an inquiry or investigation to be made into any complaint involving corruption, misconduct, lack of integrity or other kinds of malpractices or misdemeanour on the part of a public servant, including the members of the All India Services (AISs)

<sup>1</sup>Government of India (Ministry of Home Affairs), *Report of the Committee on Prevention of Corruption* (Chairman: Shri K. Santhanam), Delhi, Manager of Publications, 1964, pp. 205-206.

<sup>2</sup>Government Resolution No. 24/7/64-AVD, dated February 11, 1964, Ministry of Home Affairs, Government of India.

even if such members are for the time being serving in connection with the affairs of a state government. (It will be necessary to amend the relevant rules under the AIS Act in order to bring the members of those services under the purview of the commission.)

The status and nature of the functions of the commission were clarified by the statement laid by the government on the tables of Lok Sabha and Rajya Sabha. It reads as follows:

The Central Vigilance Commission will have, in the sphere of vigilance, a status and a role broadly corresponding to those of the Union Public Service Commission. It will have extensive functions designed to ensure that complaints of corruption or lack of integrity on the part of public servants are given prompt and effective attention, and that the offenders are brought to book without fear or favour. In the constitutional and legal sense, its functions would be advisory. But in reality, they would be advisory in the same sense as those of the Union Public Service Commission. The combined effect of the independence of the Commission, the nature of its functions, and the fact that its report would be placed before Parliament, would be to make the Commission a powerful force for eradication of corruption in the public services.

## V

The commission suggests, advises, but does not order. Its functions are advisory, but by convention, the disciplinary authorities abide by its advice. As the home minister said, it is a unique example of the government of its own free-will imposing on itself certain extra-constitutional obligations of far-reaching importance which have the practical effect of trammelling its wide discretionary powers due to their desire to eradicate corruption.

The commission maintains close touch with the CBI and encourages the chief vigilance officers in the ministries/departments, etc., and other officers who may have occasion to deal with vigilance cases to avail themselves of its guidance.

In accordance with the recommendations of the committee for prevention of corruption, the chief technical examiner's organisation and the commissioners for departmental enquiries have been placed under the control of the commission.

The Municipal Corporation of Delhi, it may be added, has placed itself by a formal resolution within the purview of the commission in regard to all matters falling within its jurisdiction. The New Delhi Municipal Committee also comes within the jurisdiction of the Commission.

All central public undertakings, corporations, etc., also come within

the range of the commission. The public undertakings, including the nationalised banks, have adopted formal resolutions accepting the commission's jurisdiction and, in one instance only, the administrative department had to issue a directive in this regard. In this connection, it may be added that some of the major port trusts have yet to fall in line. The matter is receiving the attention of the appropriate department.

The jurisdiction of the commission extends to all employees of the Central government and public undertakings, etc. For practical considerations, however, the commission for the present advises on cases pertaining to gazetted officers and officers of public undertakings drawing a basic salary of Rs. 1,000 p.m. or above.

The instructions issued by the commission provide that, in cases relating to gazetted officers, the commission should be consulted even if the disciplinary authority after a preliminary enquiry comes to the conclusion that no further action is necessary. In cases, in which it is decided to institute disciplinary proceedings, the commission has to be furnished with full record of the enquiry for advice on further course of action.

The cases relating to non-gazetted personnel are dealt with by the chief vigilance officers/vigilance officers in individual departments/undertakings, who are free to avail themselves of the help and guidance of the commission in such cases. The commission can also obtain information about cases relating to non-gazetted personnel, wherever considered necessary, and advise appropriate action.

In respect of offences of bribery, corruption and criminal misconduct, public servants cannot be prosecuted except with the previous sanction of the authority which is competent to remove them from office. Reports of the CBI recommending prosecution of officers, in whose cases sanction for prosecution of the President is required, are routed through the commission, which, after taking into consideration the comments of the administrative authority concerned, advises the Department of Personnel whether the sanction for prosecution sought by the CBI should be accorded or not. Formal sanction of the President is issued by the Department of Personnel. In cases where an authority other than the President is competent to accord such a sanction, the CBI sends its report direct to such an authority and the case comes to the commission if there is a difference of opinion between the Central Bureau of Investigation and the competent authority.

The commission is also charged with the responsibility of taking initiative in prosecuting persons who are found to have made false complaints of corruption or of lack of integrity against public servants.

All oral enquiries against gazetted officers and officers of public undertakings are entrusted to the commissioners for departmental enquiries who hold enquiries as quasi-judicial tribunals. Their reports are

submitted to the commission, which advises the disciplinary authorities in regard to the further course of action.

## VI

Apart from tendering advice at the relevant stages in disciplinary cases with a 'vigilance angle', the commission performs various quasi-administrative, consultative and supervisory functions. According to the government resolution the commission is responsible for advising the ministries/departments/undertakings in respect of all matters pertaining to maintenance of integrity in administration. The scope of this provision is very wide and enables the commission to exercise the parallel functions of 'auditing' the conduct of public servants in 'matters involving suspicion of corrupt or improper motivation or lack of integrity'. The commission can and does look into such matters independently of any complaint. It is also under this provision that the commission advises on proposals relating to promotion/confirmation pending enquiry/premature retirement/reduction of pension on the grounds of lack of integrity or gross misconduct. The commission, however, does not generally advise on the question of suspension.

The chief vigilance officers in ministries/departments are appointed in consultation with the commission and no person whose appointment as chief vigilance officer is objected to by the commission can be so appointed. Wherever the circumstances so warrant, the commission takes initiative in securing a change in the personnel and advises about the equipment or experience needed for the proper performance of duties in 'sensitive' spheres. The commission has also the power to assess the work of the chief vigilance officers.

The system of chief vigilance officers, it may be added, extends to public undertakings and corporate bodies and all proposals for reorganisation and strengthening of the vigilance set-up are first required to be referred to the commission for scrutiny.

Apart from advising in disciplinary proceedings, the commission takes initiative in suggesting remedial measures in regard to the loop-holes in rules and procedures which facilitate malpractices or tend to hold up the progress of disciplinary proceedings or oral enquiries.

The commission has been greatly concerned about the delay in the disposal of disciplinary proceedings. The commission has no control over the time taken by the CBI in furnishing final reports but it invariably takes vigorous steps to expedite their examination in the commission and in the disposal of oral enquiries by the commissioners for departmental enquiries. For example, the commission insists that the presenting officers in the CBI reports must be drawn from that organisation. The railways have accepted the suggestion in respect of all oral enquiries



arising out of the CBI reports, dealt with by the commissioners for departmental enquiries. The central public undertakings corporate bodies have also been urged to make similar provision in their relevant rules.

The commissioners for departmental enquiries have no statutory powers to compel attendance of witnesses or production of documents and this absence of authority often creates difficulties in securing the presence of witnesses, etc., particularly when they are scattered over a large number of places. In consultation with the appropriate authorities, government have decided to enact suitable legislation to remedy this lacuna. The commission has also laid down certain guidelines for the inquiring authorities and indicated that, while all reasonable opportunity should be given both to the prosecution and the defence to produce their witnesses, they should exercise the discretion in the matter whether they should wait indefinitely for the production of witnesses, specially when there is little chance of a particular witness becoming available.

The commission has prescribed time limits for submitting comments by ministries/departments, etc., in the CBI reports. It usually adheres to these limits but does not wait indefinitely for comments.

The quest for speed has, however, to contend with the built-in delays in disciplinary procedures. Often the progress of oral enquiries is held up due to the intervention of courts through writ petitions or other reasons, like non-availability of relevant records for inspection. Despite various handicaps, the commission does manage to exercise some watch on the progress of oral inquiries/investigations with a view to seeing that this is not unduly prolonged.

Incidentally, it may be mentioned that Prof. Harry Street, in his book *Justice in the Welfare State*, has roundly criticized the parliamentary commissioner for administration in the UK, even though he functions in a different sphere, for his 'procrastination' and has commented on the silence in his reports 'on the size of his delays in handling cases'.<sup>3</sup> Perhaps no authority can hustle too much in such matters! The need for reform in the administrative process, however, remains.

The commission arranges orientation courses for the chief vigilance officers (CVOs) in collaboration with the National Academy of Administration. The programme for training includes instructions in various laws and rules, departmental procedures—including collection of information. The commission is assisted by an Advisory Committee on Training. It consists of the director of CBI and a representative of the commission. The director of the National Academy of Administration is the chairman of the committee. Such an orientation course is open to executives of central public undertakings/nationalised banks and officers

<sup>3</sup>Harry Street, *Justice in the Welfare State*, London, Stevens, 1968, p. 122.

of the state governments. The commission also collaborated with the training division in the preparation of some of the material for training purposes.

The commission used to tender advice in cases of blacklisting of firms, but in view of a revised procedure recently adopted, consultation with the commission in regard to this category of cases has been discontinued.

The commission submits an annual report to the department of personnel about its activities drawing particular attention to any recommendation made by it which had not been accepted or acted upon. A copy of the report, together with a memorandum explaining the reasons for non-acceptance of any recommendation of the commission, is laid before each house of parliament by the Department of Personnel.

## VII

When the commission was set up six years ago, its authority and functions were somewhat nebulous. Nobody had any clear conception about its status or the scope of its functions. Indeed, in the initial stage, it was looked upon as a *ballon d'essai*, likely to be lost in the wonderland of bureaucracy. Though set up on a tentative, experimental basis, the commission has become an essential part of the disciplinary process in the sphere of vigilance. Far from becoming redundant, as observed by the Administrative Reforms Commission, it has come to play a vital role in all matters pertaining to maintenance of integrity in administration. It was accordingly decided to transfer the various functions currently discharged by the commission to the new functionaries under the Lokpal Bill.

Though a creature of government, the commission functions, as stated earlier, outside the executive authority. The set-up is 'personalistic' and there is a certain informality and flexibility about its working procedures. It shares these characteristics with the institutions of ombudsman in other countries. The principal function of the ombudsmen or parliamentary commissioners is, however, to investigate matters relating to administration and not allegations (involving lack of integrity and misconduct) in relation to public servants. In view of the difference in their basic functions and the volume of work handled by them, it is clear that the two types of institutions do not belong in the same hopper.

The Committee on Prevention of Corruption had expressed the hope that the commission would become "a powerful force for eradication of corruption in the public services". Though corruption has not been eradicated, the commission has ensured that "complaints

of corruption or lack of integrity on the part of government servants are given prompt and effective attention and that offenders are brought to book without fear and favour". It has helped to evolve and apply common standards in matters relating to departmental action, prosecution, and award of punishment.

The role of the commission in administrative vigilance has been discussed by the committees of parliament, in seminars and some recent publications on the subject.

Does the interposition of the commission at different stages in corruption cases make the proceedings in such cases dilatory and cumbersome? In his evidence before the Estimates Committee (1968-69), the Central Vigilance Commissioner stated, "By the nature of things, if you refer a matter to another body newly created, some time has to lapse."<sup>4</sup> The point for consideration is, if on balance, specially in view of the complexity of administration, it has been worthwhile to do so.

While no spectacular results can be claimed, the extra administrative review, provided by the commission, keeps public servants on the *qui vive* and serves to create public confidence that decisions in disciplinary cases will not be hustled. No level of the administrative hierarchy is free from political pressures. A 'give-and-take' between local party leaders and administrative personnel<sup>5</sup> has become a regular feature of day-to-day administration. In this context, a fair assessment of facts by the commission eliminates scope for the manipulations of back stair influence and is thus conducive to better climate. In his book, *The Proposed Indian Ombudsman*, Prof. S.K. Agarwala has concluded that, on all counts, the work of the commission has been universally applauded and "there do not seem to be adequate reasons for throwing away this valuable inheritance and to make a fresh start."<sup>6</sup> This view to some extent, reflects the impact made by the commission on the public.

### VIII

Some eminent contemporary political scientists and sociologists have discovered sophisticated justification of bureaucratic corruption. Bribing bureaucracies, they argue, can promote in developing countries bureaucratic efficiency, innovation and rapid economic development.<sup>7</sup> According to J.S. Nye, corruption has probably been on balance, a positive

<sup>4</sup>India, Estimates Committee (Fourth Lok Sabha) *Eighty Fourth Report : Central Vigilance Commission*, New Delhi, Lok Sabha Secretariat, 1968, p. 37.

<sup>5</sup>C.P. Bhambhri, *Bureaucracy and Politics in India*, Delhi, Vikas, 1971, p. 17.

<sup>6</sup>S.K. Agarwala, *The Proposed Indian Ombudsmen*, Bombay, N.M. Tripathi, p. 25.

<sup>7</sup>Arnold J. Heidenheimer, *Political Corruption: Readings in Comparative Analysis*, New York, Holt, Rinehart and Winston, 1970, p. 547.

factor in both Russian and American development.<sup>8</sup> Ordinary people, with ordinary perception, will find it difficult to accept this most un-platonic thesis propounded by eminent scholars. Plato's ideal that the guardians of the State will model themselves on sober and honourable men and act disinterestedly for the general good, though demoded by an over-dollared age, has not lost its relevancy in human affairs. A 'kleptocracy'—a society of the corrupt for the corrupt by the corrupt—can only be a passing phase in the march of individual nations and it may not be correct to draw conclusions regarding social behaviour on such transient basis.

It may, however, be conceded that bureaucratic corruption is not an isolated or incoherent phenomenon. It is a consequence of larger social malaise and undoubtedly draws sustenance from political corruption. Democracies are no less susceptible to the toxic action of graft than other political systems. It has been rightly said that so far from the growth of democracy sterilising graft, graft in the end tends to make democracy untenable.<sup>9</sup> 'State Bribery',<sup>10</sup> *i.e.*, control of various public properties and of the expenditure of public funds for the purpose of creating power and intensifying loyalties, no doubt, contributes to corruption of public life and consequent disenchantment. This is, however, a subject which needs a wider canvas for treatment.

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<sup>8</sup>Arnold J. Heidenheimer, *op. cit.*, p. 564.

<sup>9</sup>*Ibid.*, p. 489.

<sup>10</sup>*Ibid.*, pp. 47 and 52.

# Public Administration and the Citizen: How far Public Administration can be Public\*

V. Jagannadham

WHEN I was invited to write a paper for the members' 21st Annual Conference of IIPA with 'Public Administration and the Citizen' as the main title and 'How far Public Administration can be Public' as the sub-title, I agreed without assessing fully to what I was committing myself. The main title was the subject of an earlier Conference (1961) and of a special issue of the Institute's journal in 1975 and of some research studies by IIPA.<sup>1</sup> The focus in this year's Conference is, in my view, on the sub-title and the paper seeks to highlight some issues in this area from two points of view, namely, diagnostic and remedial. The paper is neither thorough nor comprehensive but indicative.

The title and the sub-title have both global and local significance. The former refers to the inter-relationship aspect of the citizen and the political system acting through administration. Also, areawise, it is global because the State's functions are growing and becoming blurred with those of the society crossing the geographical, national/municipal

\*From *Indian Journal of Public Administration*, Vol. XXIV, No. 2, 1978, pp. 355-373.

<sup>1</sup>Vide "Administration and the Citizen" *Fifth Annual Conference*, August, New Delhi, Indian Institute of Public Administration, August 1961.

- (i) A.P. Barnabas, *The Experience of Citizens in Getting Water Connections*, New Delhi, Indian Institute of Public Administration, 1965.
- (ii) Samuel J. Eldersveld, V. Jagannadham, A.P. Barnabas, *The Citizen and the Administrator in a Developing Democracy*, New Delhi, Indian Institute of Public Administration, 1968 (also published in U.S.A. by Scott, Foresman & Company, 1968).
- (iii) A.P. Barnabas, *Citizens Grievances and Administration*, New Delhi, Indian Institute of Public Administration, 1969.
- (iv) V. Jagannadham and H.R. Makhija, *Citizen Administration and Lokpal* (a study made for A.R.C. by Indian Institute of Public Administration), New Delhi, S. Chand & Co., 1969.
- (v) V. Jagannadham and N.S. Bakshi, *Citizen and the Municipal Bureaucracy*, New Delhi, Indian Institute of Public Administration, 1971.
- (vi) I.R. Kumar, "Select Bibliography on Citizen and Administration", *Indian Journal of Public Administration*, Vol. XXI, No. S-II, July-September 1975, pp. 591-615.

boundaries. Two universal questions in this regard are: (1) Could the inherited instrument of administration operating with marginal modifications manage today's public affairs with the consent of the public in the welfare sector and in production and distribution of goods/services with the same effectiveness as in the traditional areas of law and order and revenue collection; and (2) Can the flabby state make administration smart in serving the competing demands of multiple publics with conflicting interests? Many more aspects are implicit in the main title but these are enough to indicate the enormity of the new responsibilities both of the state and the citizen.

The sub-title contains really the crucial issue. It raises questions of magnitude; and for measuring it, no objective scales or norms are, to my knowledge, widely available. We have, therefore, to be content with 'guesstimates' and informed views or intuitive judgements of experts and experienced persons. The sub-title too has global and local dimensions. Questions are raised in many sectors about 'public-private inter-relations' all over the world but each looks at them from a narrow cultural frame. Dwight Waldo rightly stated:

At some point the question becomes not what is the implication of public in general, but for this particular government in this particular society at this particular time.<sup>2</sup>

Each cultural group and government system has to appraise periodically the new dimensions of the public's and administration's mutual relationships and responses. Every generation has to measure the 'how far' and the 'can'. Each generation's perceptions and expectations are bound to be different.

The implications of the sub-title need to be made explicit. As it stands, the sub-title raises many doubts. One may say that public administration's competence to be public may range from zero to infinity and the location of an optimum point is just not possible. Secondly, public administration is not as public as it could or should be, because of erosion from external and internal forces. A further implication is that the distinction between public administration and private management is becoming narrow and thin and the two are overlapping, if not coalescing. Consequently, the traditional distinctions are inapplicable and inappropriate. For example in Dr. C.D. Deshmukh's view, administration is subsumed within management even though he points out differences in operation between business management and public adminis-

<sup>2</sup>Dwight Waldo, "The Administrative State Revisited", *Public Administration Review*, Vol. XXV, No. 1, March, 1965. Present Quotation is taken from p. 26 of Reprint No. 12 of the University of California, Institute of Government Studies, Berkeley, California.

stration (p. 18) 1966.<sup>3</sup>

#### GLOBAL ISSUES

Prof. Dwight Waldo, however, posed the question in a sharp way:<sup>4</sup>

What should we, can we, make of public administration as against administration generically? What is 'public' about public administration (p. 24).

He also issued a caution and said:

The terms and concepts *public* and *private* must be used with great caution. Obviously there is something of a private-public spectrum, from, say, a moonshining operation to the Presidency. Also, some large 'private' corporations are not only larger than some governments, but act more 'publicly'. . . (p. 26).<sup>5</sup>

Dwight Waldo draws attention to the growing importance of public administration and to the need for showing something distinct about public administration:

After all public administration is not likely to decline in importance, nor public employment diminish. But unless it can be shown that there is something distinctive and important about 'public', then the phrase indicates only an administrative convenience; a pragmatic adjustment to supply and demand and perhaps not even that but a resultant of the accidents of inertia, resources and personalities.<sup>6</sup>

Prof. Woodrow Wilson, the father of the study of public administration, raised a few significant issues regarding 'publicness' of administration:

To whom is official trustworthiness to be disclosed, and by whom is it to be rewarded? Is the official to look to the public for his meed of praise and push of promotion, or only to his superior in office? Are the people to be called in to settle administrative discipline as they are called in to settle constitutional principles? These questions evidently

<sup>3</sup>C.D. Deshmukh, "Management and Administration—New Trends", *Golden Jubilee Memorial Lectures*, 1966, Sydenham College of Commerce & Economics, Bombay, pp. 3, 18, 1966.

<sup>4</sup>C.D. Deshmukh, *op. cit.*, p. 24.

<sup>5</sup>*Ibid.*, p. 26, footnote 35.

<sup>6</sup>*Ibid.*, p. 24, footnote 30.



find their root in what is undoubtedly the fundamental problem of this whole study. The problem is: What part shall public opinion take in the conduct of administration?<sup>7</sup>

The above views indicate the academic scope and global significance of the sub-title.

What is public anyway? The dictionary meaning emphasises the concern for people as a whole. According to Herman Finer, however, (1931) " 'public' consists of all the clients of government subjected to various obligations which they owe...to officials and are entitled to the receipt of various services from them."<sup>8</sup> For our purpose, Finer's view has greater relevance. The dictionary meaning of citizen is that he is an inhabitant of a city but public administration responds to organized citizens more effectively and quickly than to the unorganised ones. To some extent the terms 'citizen' and 'public' would be synonymous. Both have common interests which are affected by the policies of the State and actions of public administration.<sup>9</sup> Usage of the term public administration has created some images about mutual relationships which are not visible in fact. How do we relate images to realities?

Apart from the meaning of terms, a few basic questions are: why are we debating the magnitude of 'public' in public administration? Are there doubts about the adjective-noun relationships? Statements such as 'No Taxation Without Representation' and 'No Voting for Further Moneys Without Rendering Accounts for Those Already Voted' lie at the root of the manifold growth of public administration. Woodrow Wilson and Dwight Waldo referred to the global aspects in their local culture. For our purpose, we have to find answers relevant to our culture.

#### LOCAL ISSUE

How far public administration in India can be public? This could be answered with reference to the satisfaction or otherwise of the public with public administration. Satisfaction is a function of the public's participation, and the public's knowledge about administration and the citizens' sense of equality of treatment from administrators. Equally important is the effectiveness of the existing machinery for holding the

<sup>7</sup>Woodrow Wilson, "The Study of Administration", *Political Science Quarterly*, Vol. 2 (June 1887), pp. 197-222.

<sup>8</sup>Herman Finer, "Officials and the Public", *Public Administration*, Vol. IX (January 1931), p. 23.

<sup>9</sup>Mumtaz Soyasal, *Public Relations in Administration*. The Influence of the Public on the Operation of Public Administration Excluding Electoral Rights. International Institute of Administrative Sciences, Brussels, 1966, p. 8.

administration responsible. All these together lead to mutual responsiveness and to mutual respect. How are these factors perceived by the Indian public?

Since independence and, in particular, since the adoption of development planning in 1950, the law and order functions of government are supplemented by development and welfare functions. Is the public administration adapted to perform these functions satisfactorily to the public by sharing with them the responsibility for fulfilling the tasks and informing them properly so that the public, in turn, discharge their obligations? Dr. Deshmukh<sup>10</sup> complained of paralysis by red tape (1955), referred to the organic or teleological connection between ministerial failure and official lapses (1959) and remarked about a steady deterioration in administration (1966). The Administrative Reforms Commission<sup>11</sup> (1966) has taken note of the oft-expressed public outcry against the prevalence of corruption, the existence of widespread inefficiency and the unresponsiveness of administration to popular needs.

More forceful and outspoken was the assessment in the Draft Fifth Plan (Vol. I, p. 192). The central and state governments have taken upon themselves a variety of complex tasks to fulfil which *there is no adaptation of organisational framework of administration*. Besides organisational failure, the factors that, in its view, impeded plan implementation were: (a) rigid compartmentalisation in field which requires a high degree of integrated multi-disciplinary activity; (b) excessively wide or narrow spans of control; (c) lack of clear lines of responsibility; (d) inadequate delegation of authority; and (e) improper relationship and positioning of line and staff functions. A pertinent question may be raised about the many committees in the central and state legislatures and their effectiveness. As committees multiply probably their effectiveness diminishes.

#### INHERENT FACTORS

The diminution in organisational effectiveness may be due to what Woodrow Wilson regarded as the inherently confusing character of public administration. He wrote: "One cannot easily make clear to everyone just where administration resides in the various departments of any practicable government without entering upon particulars so numer-

<sup>10</sup>C.D. Deshmukh, *The Sinews of the State*, Institute of Public Administration, Patna University, October 1955, p. 7.; *Citizens of No Mean Country*, University of Madras, 1959, p. 23; *Management and Administration--New Trends*, Golden Jubilee Memorial Lectures, Sydenham College of Commerce and Economics, Bombay 1966, p. 18.

<sup>11</sup>Administrative Reforms Commission, Interim Report: *Problems of Redress of Citizens' Grievance*, 1966, p. 3.

ous as to confuse and distinction so minute as to distract." He bemoans the absence of lines of demarcation and refers to the need "to run uphill and down dale, over dizzy heights of distinction and through dense jungles of statutory enactment, hither and thither around 'ifs' and 'buts' 'whens' and 'however's' until they become altogether lost to the common eye not accustomed to this sort of surveying".<sup>12</sup>

Apart from the aforesaid confusion, the system's faults, acquired by administrators, as they grow with it, also keep the public away from administration. These are decribed in a UK report as follows:

The faults most frequently enumerated are over-devotion to precedent, remoteness from the rest of the community, inaccessibility and faulty handling of general public, lack of initiative and imagination, ineffective organisation and waste of manpower, procrastination and unwillingness to take responsibility or to give decisions.<sup>13</sup>

#### SOME CRITICAL ISSUES

Returning to the Indian scene, we come across a similar description. Shri Y.B. Chavan, as the former home minister in the Government of India, warned that it is not enough for a 'public' servant to follow the instructions and secure the approval of his superiors. "If he leaves the bulk of Government clientele" says Shri Chavan (1969) "dissatisfied and restless, his adequacy would be open to serious doubt". In his view, objects of administration, however, laudable, are to a large extent defeated "if devotion to precedents leads to paralysis in new situations, detachment becomes remoteness, examination turns into procrastination, cross-consultation brings abdication of responsibility and thoroughness results in debilitating delay."<sup>14</sup> Contrast this with what Dr. B. Venkatappiah said: "If Ministers, Secretaries and others went about as if rules did not matter, the harm done to public administration would be incalculable."<sup>15</sup> The art of public administration consists in keeping the essence in tact while adapting the structure and forms as well as the rules and procedures to the changing conditions and demands. Institutions, however, resist innovations and develop a vested interest in the

<sup>12</sup>Woodrow Wilson, *op. cit.*

<sup>13</sup>C.R. Hensman, *The Public Servant—A Self Portrait and Self Criticism*, Community No. 3, 1963, p. 44.

<sup>14</sup>Y.B. Chavan, "Inaugural Address at the Conference on Training" sponsored by the Training Division, Ministry of Home Affairs—February 24, 1969, New Delhi, Indian Institute of Public Administration, pp. 1-3.

<sup>15</sup>B. Venkatappiah, Summary of speech at a special discussion meeting organised by the Maharashtra Branch of Indian Institute of Public Administration on the subject, *Administration: Public and Private: What Each Can Learn From the Other*. Proceedings published by Popular Prakashan, Bombay, 1963, p. 19.

*status quo*. The ministers and civil servants view the role of public administration from different angles and thereby create tensions which tend to tarnish the public image. How to get the elected and appointed executives operate on the same wave length is a critical issue.

Two other trends flowing from the psycho-technical factors in 'admass-society' and eroding public element in administration are: (a) the growing number of statutory corporations and tribunals without the base of an administrative jurisprudence; and (b) the anaemia of the local self-governing institutions in development planning and implementation. From a few studies in IIPA, concerning the citizen-municipal government relations, the following findings are culled out:

- (i) The tendency among the public was to avoid coming into direct contact with the officials and to prefer getting things done through middlemen or agents even if it costs extra money (Barnabas, 1965).
- (ii) An average person hates to visit the corporation because he wastes more time and achieves very little (V.J. & N.S.B., 1971).
- (iii) We are of the opinion that the citizens are reluctant to cooperate and to make the corporation staff's work easy (V. I. & N.S.B., 1971).

Structural, procedural, attitudinal and behavioural changes in public administration are making the management of public affairs in society less public. While some of these factors are universal, the additional problem in India is that an alien language has been the ruler's language; and the wider diversities in regional language make communication with the non-literate public and non-English literate citizens most difficult.

Over-emphasis on 'classified' documentation and making capital out of secretiveness undermine the public's access to and confidence in administration. According to the Fulton Committee (1968), "The administrative process is surrounded by too much secrecy" (p. 91). The Official Secrets Act is the source of much mischief and the Frank's Committee Report (1972) in UK made several recommendations to make government more open and accessible to the public. The ARC Study Team Report on the Machinery of the Government of India and its Procedures of Work also recommended an amendment of the Official Secrets Act in India and a reorganisation of the Information Department.

Four features that divorce public from administration have been touched upon so far:

- (i) The practices of public administration rooted in 'rural' 'liberal'

state may not be adequate for welfare functions of the 'urban' 'industrial' state.

- (ii) Inherent in the system of public administration are specialisation, fragmentation and cross-consultations driving the citizen from pillar to post.
- (iii) The attitudes and behaviour of the public servants are not always congenial to make citizen-administration relationships mutually responsive.
- (iv) The over emphasis on confidentiality and secretiveness of public information system promotes public's alienation.

#### RELATED ISSUES

Besides these, the centre-state relations, the anaemia of local self-government, the indifference and inertia of the public also contributed to the cleavage between the public and administration. Cumulatively these create skepticism about the adjective-noun relationship. Beyond these lies the phenomenon already mentioned, namely, the diminishing distinction between 'private' management and 'public' administration. One wonders whether public administration is not eroding the familiar forms of government. Some ask about what form of government is at present prevailing. Is it a government by consent as in democracy? Or government by consultation as in bureaucracy? Or government by confrontation as in technocracy? Or alienation as in 'numerocracy' or mobocracy. When uncertainty pervades the system of government, its instrument, namely, administration, suffers from greater uncertainty. Volumes could be written on these speculative aspects. But our concern is not with the metaphysical nor constitutional distinctions but with the more intimate and practical problems of a mutually reinforcing system of public administration. We are familiar with democracy as government by consent, pithily expressed by Abraham Lincoln as "Government of the people, for the people, by the people." Some cynics, however, twist the phrases and say that today's democracy is government off the people, buy the people and far the people. Today's government, according to others is by 'consultation' instead of consent because administration is technical, complex and remote. So we have government by committees in and outside the legislatures. We have also a system of consultations with 'interest groups', 'citizen associations', etc. The advantages and disadvantages of these committees are too well-known and need not be recapitulated.<sup>16</sup> But the unorganised and inarticulate public are beyond

<sup>16</sup>Prof. S.R. Maheshwari, *Government Through Consultation, Advisory Committees in Indian Government*, New Delhi, Indian Institute of Public Administration, 1972.



the pale of the consultative machinery. A third form is 'government by confrontation' among politicians, bureaucrats and technocrats. These three 'professionals' never seem to be on the same wave length and hence distortions disturb the public perceptions and participation. Technocracy specialises in remote push-button control and, as such, its association with the public is the least.

Among these varying forms of governments we find a common feature, namely, emphasis on 'form' and indifference to the 'essence' of government; the concern is with functional efficiency rather than with public cooperation; neither human warmth, nor courtesy nor communication with the public flash before the file pushers. The 'public' recedes to the background as technology and complexity overtake government management, government servants seldom look at problems from the citizen's point of view.

The question in the sub-title has so far been skirted around but not answered. This cannot be helped. Public administration, is, to a large extent, public insofar as public officers are held responsible and accountable for their actions. The degree of legislative, judicial or ministerial control may vary but not totally absent. The variations could be identified and explained only when we make in-depth studies in comparative administration in the country and outside. Apparently, however, instead of convergence, there seems to be a growing divergence between public and administration.

#### RULE OF THUMB MEASUREMENT

What rule of thumb could be adopted for measuring how far public administration can be public? To this question, John Freeman, the former British High Commissioner in India gave some indications in an address at IIPA in 1966 (p. 2, mimeographed).<sup>17</sup>

- (i) The public administration will be efficient and government stable, only if the bottom band of administration is first of all *tailored to the social needs of the user*;
- (ii) secondly, organisationally efficient and fast moving and *seen by the public to be so*;
- (iii) thirdly, doing justice as between individuals and the state and *seen by the public to be so*; and
- (iv) lastly, subject to some degree of *external check and control*.

The emphasis in Mr. Freeman's talk is upon public's perception and credibility among the people in the bonafides of public administrators.

<sup>17</sup>John Freeman, *The Public Administrator and the Public*, New Delhi, Indian Institute of Public Administration, November 22, 1966, p. 2.

This is a simple test to feel but difficult to apply for measuring the extent and nature of publicness of public administration.

#### BALANCE AND IMBALANCE

Shri Asoka Mehta once referred in a seminar at IIPA to the concept of 'balance' and the need to introduce it into the discipline of public administration. The concept has its relevance in the context of citizen-administration relationships. In a democracy, the consent of the governed is the basis of government. According to Prof. Janowitz and others, public administration suffers from imbalance if it becomes either too much the master or too much subservient.<sup>18</sup> To achieve equilibrium, the public must be vigilant and must act as informed critics. The public should make its voice felt without becoming meddlesome; public satisfaction and systemic balance could be prescribed as the two measuring rods for depth study of the subject in the sub-title.

#### REMEDIAL APPROACH : TRIPARTITE COOPERATION

How to promote public satisfaction and systemic balance? Prof. Robson emphasised the public's concern for high quality public services for promoting mutual good conduct, *i.e.*, of citizens and servants. Though long, his statement is worth reproducing:

The achievement of good relations between the government and the public is a matter which does not by any means depend solely on the conduct of civil servants and politicians. It depends equally on the attitude of citizens, groups, corporations, associations of all kinds and indeed of all unofficial bodies to public authorities. If we want public servants behave well towards us, we must behave well towards them. Moreover, we must normally assume that they for their part

<sup>18</sup>Morris Janowitz, Deil Wright and William Delany, *Public Administration and the Public Perspective toward Government in a Metropolitan Community*, Bureau of Government, Institute of Public Administration, University of Michigan, 1958, p. 6.

"A bureaucracy is in imbalance when it fails to operate on the basis of democratic consent. Bureaucratic imbalance may be either despotic or subservient, Despotic implies that the bureaucracy is too much the master while subservient implies that it is too much the servant. The despotic bureaucracy disregards public preference and demands. It is likely to resort to coercion and manipulation to maintain its power. The subservient bureaucracy finds itself so concerned with the demands of special interest groups that it compromises its essential organisational goals and sacrifices essential authority." Also vide in the context E. Pendleton Herring, *Public Administration and the Public Interest*, New York, McGraw-Hill, 1936 as p. 6. He says, "Democracy itself will collapse if it creates irreconcilable minorities."



will behave well... if politicians and civil servants are held in low esteem, if their work is derided, if abuse and invective is poured on them continuously, if loose and unsubstantial allegations are made about their incompetence, dishonesty, laziness and indifference to the public interest, it is unlikely that officials will develop or display qualities of integrity, industry and public spirit.<sup>19</sup>

### MUTUAL ORIENTATIONS

How is the tripartite cooperation to be stimulated and achieved? To this the answer lies in orienting a favourable attitude towards the authority system. Orientations towards any authority system could be classified, according to Prof. Janowitz (p. 7), under three categories: (i) knowledge; (ii) self interest; (iii) principle mindedness. These three terms are explained as follows:

- (i) Knowledge means a person's level of information. What does a person know about a particular agency or administrative system? Is he poorly or well-informed?
- (ii) Self interest is the political measure of gratification. Does the person see administrative authority as serving his self interest and meeting his essential needs; and
- (iii) Principle mindedness is the moral evaluation of administrative authority. Does the person see the public bureaucracy and the civil servant operating according to a set of accepted and recognised principles and rules of behaviour?

To these Janowitz also added a fourth, namely, prestige, which he describes as public respect or esteem for bureaucracy and the public servant.<sup>20</sup>

Freeman's public perception, Robson's tripartite trust and Janowitz's four orientations provide a fairly reliable scale for measuring the extent of publicness in public administration. In a field study of citizen administration perceptions in and around Delhi, we attempted in the aforesaid manner to measure the mutual response orientations. We found a paradoxical picture of cynicism with support and helplessness coupled with respect.<sup>21</sup>

"The attitudes of Indian citizens towards their government and its administrative officials, particularly, is a complex and paradoxical mosaic of support and hostility, of consensus and critique. From 75

<sup>19</sup>William A. Robson (ed.), *The Civil Service in Britain and France*, Hogarth Press, 1956, p. 13.

<sup>20</sup>Morris Janowitz, Deil Wright and William Delany, *op. cit.*, p. 7.

<sup>21</sup>Eldersveld, Jagannadham and Barnabas, *op. cit.*, pp. 135-136.

per cent to 90 per cent view governmental jobs as prestigious, 90 per cent feel that health and community development programmes are worthwhile, and less than 50 per cent (20 per cent rural) are critical of the job performance of Central Government officials. On the other hand, the majority feel that 50 per cent or more of the officials are corrupt, large proportions (60 per cent urban, 32 per cent rural) say their dealings with officials are unsatisfactory, and the majority sense that their probabilities of gaining access to officials and being successful in processing their complaints with them are low. Over 50 per cent feel officials in certain agencies are not fair, that the citizen can do little by himself, and from 60 per cent to 75 per cent feel that political pull is important in getting administrative action. Only a minority (22 per cent urban, 37 per cent rural) reveals no hostility attitudes towards bureaucrats. This is a peculiar blend of respect for authority and impatience with authorities, of desire for administrative progress and frustration at administrative tactics and style, of realism as to how things get done and bitterness that one cannot get things done, of confidence in the system and cynical appraisal of the system. On balance, Indian citizens tend to be supportive of the administration, though not consistently or enthusiastically so. Our composite index of support reveals that only 20 per cent to 25 per cent clearly critical, apathetic or rejective. In the villages, 80 per cent are moderately or very supportive; in the city 66 per cent are supportive. Similarly, our hostility index reveals no more than 20 per cent to be consistently hostile, while 50 per cent (urban) to 60 per cent (rural) manifest virtually no hostility reactions. Indices, however, are summations of responses and hide nuances of sentiment and attitude. Even among those highly supportive of administration one finds an underlying hostility at the 20 per cent level in rural areas and at the 40 per cent level in urban Delhi. Thus although the movement is towards consensus and support, conflict exists, and the consensus is tenuous or mixed with doubt. Perhaps the most significant finding is that one finds such basic support in cognitions of the bureaucracy, despite the existence of considerable latent hostility. . . . The image which persists in our data then is one of citizen acquiescence and support, as well as actual and potential disaffection."

#### DISJUNCTION BETWEEN ADJECTIVE AND NOUN

Other studies in India have more or less confirmed the above conclusions. Given this ambivalence about public perception, the question is what needs to be done. To recapitulate what was said so far:

- (i) in admass society, alienation between public and administration is growing and this has to be arrested in the interests of the health

- of the socio-political system;
- (ii) the system's fragmentation, the procedural complexities, the isolationist attitudes of civil servants and the secretiveness of government information system keep the public ill-informed and non-cooperative; and
- (iii) the imbalance in public administration could be remedied by tripartite cooperation.

How do we make the governmental machinery more responsive to the needs of people? The answer cannot be in quantitative terms—not in equations nor in percentages but in an intuitive assessment of public confidence in the trusteeship role of administration. This would mean understanding not what the administration is but what it does for the public by feeling their pulse and knowing how to secure public cooperation. Dwight Waldo raised a significant point:

If our culture is importantly an administrative culture, and so few participate in it with real understanding, of course, many are alienated.<sup>22</sup>

A further point he made about American situation was that much in our culture has operated to take our attention off the adjective 'public' and to focus it intently upon the noun 'administration'. This is a serious commentary not only with regard to USA but about other developed countries as well as the developing countries which are groping to discover a system of administration appropriate for promoting development.

How to discover and design a public administration system appropriate to the changing environment and aspirations? How are these changes affecting the elitist-populist perceptions and inter relations? Dr. Deshmukh expresses the characteristics of the environment in the admiss society as follows:

Man in the mass who wields the power of franchise has necessarily a fairly low common denominator of culture . . .

The real microscopic minority of intellectuals, *i.e.*, the cultured and educated who worry on account of others, are cold-shouldered and edged-out in this traffic-jam of the selfish educated and the ignorant proletariat; and the pampering of the worst instincts of the latter by the former leads to a steady deterioration of the decencies of life.

<sup>22</sup>Dwight, Waldo, *Public Administration and Culture*, p. 46 in the Reprint. Reprinted from *Public Administration and Democracy*. Ed. by Roscoe C. Martin, 1965, Syracuse University, New York.

"In such an environment" Dr. Deshmukh says, "quality is sacrificed to quantity, vulgarity to taste, restraint to hysteria, intellectual effort to mental flabbiness and respect for principle to political expediency."<sup>23</sup> (sic)

Democracy initially was based upon the availability of politicians who live 'for' instead of 'off' politics (*i.e.*, one who strives to make politics a permanent source of income lives 'off' politics, while he who does not do so lives 'for' politics). Full-time professional politicians are growing in recent democracies. This trend upsets the balance between democracy and bureaucracy.

While the government is becoming more remote and technical, people are becoming less interested in self-government and least bothered about 'public' interest. How to persuade the users to become better informed of administration? People have lost commitment to ideologies and have become most attached to comforts and profits. Most users employ middlemen who are familiar with the corridors of the secretariats and cabinet circles to get things done for them by appropriate means. Ordinary citizens find themselves helpless and bewildered before big offices. According to a distinguished citizen:

There is no short cut to improvement or elevation of the national ethos. But there is an element of mutability in it which can be influenced for better by good leadership, for worse by its opposite.<sup>24</sup>

#### LEADERSHIP AS A REMEDY

To bridge the gulf between public and public administration, the 'mantra' according to Prof. D.G. Karve is "good political leadership". He observed:<sup>25</sup>

Over the long period it will be wellnigh impossible for officers at any level to maintain standards of integrity, efficiency and courtesy which are not shared and promoted by the responsible Ministers—where they, the responsible Ministers, fail to honour democratic and constitutional proprieties, as they often do, none below them can normally be counted to give to the people the full due under the law.

In parenthesis we may also ask: Could not the civil servants provide

<sup>23</sup>C.D. Deshmukh, *Citizens of No Mean Country*, *op. cit.*, p. 18.

<sup>24</sup>C.D. Deshmukh, *Management and Administration—New Trends*, *op. cit.*, p. 28.

<sup>25</sup>D.G. Karve, "Citizen and Administration—Mutual Response", *Indian Journal of Public Administration*, Vol. XII, No. 3, July-September 1966, p. 336.

leadership for better public service? Do not elected executives also depend upon the top administration for placing the facts and alternative choices based upon departmental knowledge and personal experience? While the civil service provides these services, the politician is to convert them into goodwill of the people by playing liaison and leadership roles.

Prof. V.K.N. Menon summarised Mr. Fairlie's views on implications of political leadership as follows:<sup>26</sup>

The first task of the politician, according to him, is to try to reconcile the many conflicting wills and interests which exist in a free society, and to propose out of such conflict some kind of policy which will be acquired in, at least, if not fully approved by the majority.

His second task is to sustain the political interest of the people on public questions.

The third is to act as a catalyst on public opinion and the fourth to act as a link between informed opinion and the ordinary opinion of the public.

"The qualities required for all this", says Menon, "have been described as passion, a feeling of responsibility and a sense of proportion, a combination of an ethic of ultimate ends and an ethic of responsibility (Weber)" (p. 16, 1970). Manu's sanskrit classical expression for these is that the king is the upholder of dharma. "If divinity was latent in the king, it would be reflected in his virtuous upholding of dharma, not otherwise."<sup>27</sup>

If politicians perform a liaison and leadership role, the administrators have to sustain those roles by providing open access to information and an easy passage to citizens into the portals of the government offices. Prof. Eldersveld has spelled out five theoretical propositions so as to promote better citizen-administration interactions. These are:<sup>28</sup>

- (i) If citizens are to be properly involved in the system and in the achievement of system goals, administrative contacts with the public, to be relevant, must be extensive, continuous and penetrate to those sectors of the population most 'traditional',

<sup>26</sup>V.K.N. Menon, *Politics as a Profession*, The Institute of Constitutional and Parliamentary Studies, New Delhi, 1970, p. 16.

<sup>27</sup>V.K. Rangaswamy Iyengar, *Aspects of the Social and Political System of 'Manusmriti'*, Lucknow University, 1949, p. 179.

<sup>28</sup>S.J. Eldersveld, "Bureaucratic Contact with the Public in India", *Indian Journal of Public Administration*, Vol. XI, No. 2, April-June 1965, pp. 216-235 at p. 218.

most probably alienated, and most vital for the success of developmental goals.

- (ii) If citizens are to be properly involved in the developing India of today, these administrative contacts, if relevant, should lead to greater *information* and knowledge, instrumental and substantive, about governmental programmes, policies, plans and goals.
- (iii) If citizens are to be properly involved, these administrative contacts, if relevant, should result in greater citizen *belief in and support of* governmental actions and programmes. One should not expect, however, that there will be unanimous consensus over goals or means, but rather a consensus by the large majority that programmes exist which are worthwhile, and feasible.
- (iv) If citizens are to be properly involved, these administrative contacts, if relevant, should inspire *confidence* on the part of the public in the integrity, efficiency, and 'bureaucratic style' of officials, leading to a feeling that officials care about the citizenry, treat them fairly, and, thus, that the individual citizen counts in the system, and that his actions are considered meaningful for the system.
- (v) If citizens are to be properly involved, these administrative contacts, if relevant, should tap the realistic aspirations of the common man, appeal to these aspirations, whether strictly utilitarian or idealistic, and motivate the individual to *action* and achievement, which is significant for the citizen as well as for the system.

The goals then must be penetration, information, belief, confidence and action. These, when fulfilled, tend to meet the expectations of the bulk of the people. If the performance of the administration does not approximate to the expectations of the citizens, the stability of the political system will be in danger.

How far can public administration be public is a question answered by the counter question as to how far could public be an authoritative and vigilant participant without becoming meddlesome? Or a rustic handling a delicate instrument? In the answers to these questions lie the dynamics of bureaucracy's institutional growth. Variations arise out of varieties of life situations, and personality factors. The nature and extent of the adjective 'public' may vary but it is not totally absent. Knowledge about the precise degrees of variations requires a systematic series of studies in time, space and culture about accountancy and accountability; accessibility, acceptability and adaptability of the system



and the will and skill of persons that manage it. These five ideas need quantification for measurement.

### CONCLUSION

Is public administration a single word, a hyphenated word or is it a compound word? The way words are written and used may give insight into usages. The length of the hyphen or the distance between the two words may indicate the apparatus required to answer the question raised in the sub-title. The meaning of the word 'public' too has been undergoing changes. At one time it used to denote the people as a whole but currently it means the informed public or the interest group or the organised association but not necessarily the people as a whole. The inarticulate and the unorganised people are out of its spectrum. Similar is the case with words, 'administration' and 'management'. Subtle changes in the use of the words, 'public' and 'administration', are indicative of the changes in the nuances of concepts behind them. Instead of public administration some say we have 'pressure' administration, *i.e.*, administration working only under pressures of different kinds. That, without pressure, administration does not move, seems to be gaining ground.

The sub-title raises fundamental issues about the competence and magnitude of 'publicness' in public administration. These issues arise, probably, because some external factors have been disturbing the inherited balance and assumptions underlying the adjective and the noun. The neo-public administration school of writers question the adequacy of assumptions in the old classics on bureaucracy in a democracy.

Accountancy and accountability for raising and spending public funds and people's control over these constitute the essence of public administration. These functions were somewhat served by the then prevailing systems before the rise of collectivism and socialism and industrialisation and urbanisation. The new ideological and technological impacts and the consequent responsibilities of development-planning have forced government to undertake tasks that, in the view of some, could be fulfilled only with the widest public involvement and participation. But some technocrats view public participation with suspicion because it dilutes functional efficiency. They describe the politicians' and bureaucrats' concern for public opinion and human warmth as 'softness' that saps the efficiency in management. Revolutions in transport and communication have rendered the centrifugal tendencies dysfunctional and the technocrats plead for economics and efficiency through centralised management of large scale organisations. In the 'admass society' the public too is indifferent to participation in decision-making; they are satisfied if goods and services are provided. They do not feel satisfied by



participation because they do not see results immediately.<sup>29</sup> Under these changing conditions of environment and attitudes of the public, a question arises about measuring how far public administration can be public. Metaphysical as well as metrical issues are, therefore, surfacing for discussion today.

While service to the public through due process is the object of public administration, its counterpart, namely, private management is concerned with the achievement of beneficial results. Not that public administration is not interested in such results but accountability to legally accredited authorities distinguishes public administration from its counterparts. How far can public administration be public, should, in my view, be examined without prejudice to its essential characteristic, namely, due process in accountability while serving the public.

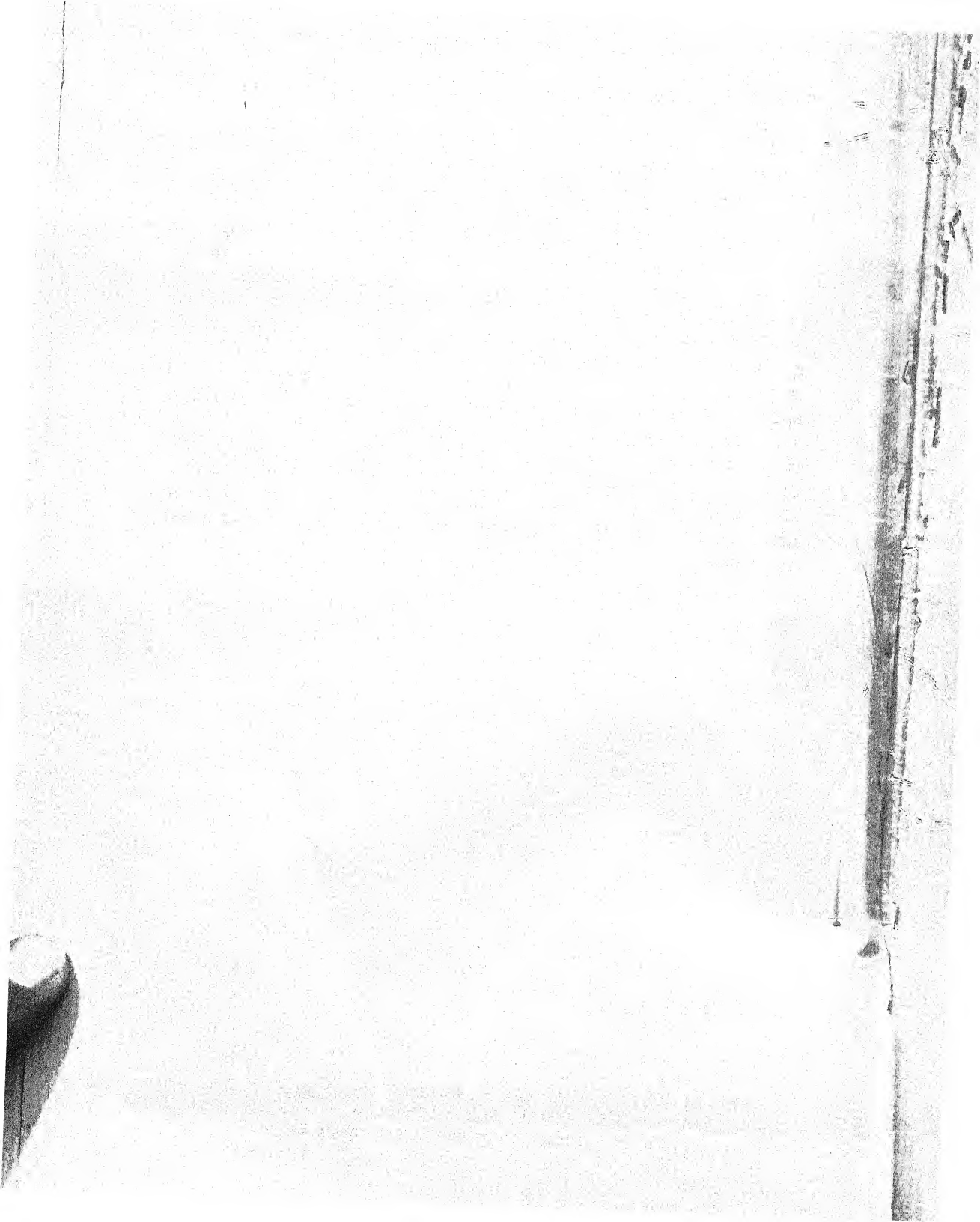
Public-private cooperation or cleavage in the public affairs' management is assuming new dimensions in modern governments. Governments find it beneficial to use private bodies to act on their behalf for promoting innovations, ensuring flexibility, responding quickly to the needs and avoiding known weaknesses of government departments. So do interest groups and voluntary associations use governments for subsidising their activities from tax-resources. These as well as other forms of administration through semi-governmental organizations or statutory corporations, instead of through departmental organisations, have been making inroads into a strict application of accountability tests. Government departments could be controlled more easily than quasi-governmental or non-governmental organisations. Public administration today tends to be less public in quantitative terms but, may be, it is more public or more responsive to public needs than before in qualitative terms. These assumptions and hunches need further testing by systematic research studies over a series of years and areas of action. The dilemmas of accountability in modern government and administration have made the question in the sub-title both contemporaneously relevant and difficult to answer. Public administration in a democracy raises paradoxical issues because of multitudinous masters exercising and demanding control over it. Some view efficiency to be in inverse proportion to openness in administration. Is this correct? Can this be permitted to remain uncorrected if bureaucracy is to serve democracy? What corrective measures can be recommended for government? These questions deserve the attention of the present audience. The dynamics, dialectics and didactics of democracy, bureaucracy, technocracy and numerocracy/mobocracy call for seminar thinking, public debate and

<sup>29</sup>Sharon Perlman Krefetz and Alan and Goodman, "Participation for What or for Whom? Some Consideration for Research, *Journal of Comparative Administration*, Vol. 5, No. 2, August 1973, p. 376.

focused research on the interrelations of philosophy, science and art of management of public affairs and resources.

How far public administration can be public needs to be approached from the angle of its accountability to the public and the public's control over it. All over the world the traditional system of accountability to the public and public's control over administration are declining in effectiveness and losing credibility. New management techniques in budgeting, programming, monitoring and evaluation as well as information and communication system are helpful but they are meaningful to the elitist, not to the populist, public. The public are either ignorant or ill-informed about the laws, rules, regulations and procedures about rights as well as obligations. Even the well-educated suffer from inadequate knowledge of the voluminous and complex government laws and controls. Public servants tend to be subservient to their superiors and dominant towards the public. The public, therefore, use 'professional middlemen' to manage the affairs for them. This phenomenon undermines credibility and creates imbalance in public administration. Distortions and imbalances in public administration need correction after proper diagnosis. Hopefully, an open government system may offer solutions to these distortions.<sup>30</sup> □

<sup>30</sup>Ronald Wraith, "Open Governments—The British Interpretation", Royal Institute of Public Administration, London 1977 "those brought up in the tradition of reticence do not find it palatable to adjust to openness", p. 68.



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